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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 UNITED STATES OF AMERICA :
4 and STATE OF MARYLAND, :
5 Plaintiffs :

6 vs. :

7 EDWARD AZRAEL, Individually :
8 and as Personal Representative :
9 for the Estate of AL LANDAY; : CIVIL ACTION
10 HARRIET AZRAEL, AT&T : No. 89-2898
11 TECHNOLOGIES, INC., GENERAL :
12 MOTORS CORPORATION, BALTIMORE :
13 GAS and ELECTRIC COMPANY, : Judge William N.
14 BROWNING-FERRIS, INC., and J. : Nickerson
15 WILLIAM PARKER and SONS, INC., :
16 Defendants :

17 * * * * *

18 (Caption Continued)

19 DEPOSITION OF ALFRED TYLER, 2nd - VOLUME I

20

21 Reported by: Triminie M. Shelton

SALOMON REPORTING SERVICE, INC.
Baltimore, Maryland (410) 539-6760

1 BROWNING-FERRIS, INC., :

2 Third-Party Plaintiff :

3 vs. :

4 MAYOR AND CITY COUNCIL OF :

5 BALTIMORE, KEWANEE INDUSTRIES, :

6 INC., BEATRICE COMPANIES, :

7 INC., and ALLIED-SIGNAL INC., :

8 Third-Party Defendants:

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11 Deposition of ALFRED TYLER, 2nd, taken
12 on Wednesday, November 20, 1991, at 9:40 a.m., at
13 200 St. Paul Place, 17th Floor, Baltimore,
14 Maryland, before Triminie M. Shelton, Notary
15 Public.

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SALOMON REPORTING SERVICE, INC.
Baltimore, Maryland (410) 539-6760

1 **APPEARANCES:**

2
3 Patricia Kabloch Casano, Esquire,
4 Andrew S. Goldman, Esquire,

5 On behalf of the Environmental
6 Protection Agency

7 Pamela D. Marks, Esquire,

8 On behalf of the State of
9 Maryland

10 Kim I. Montroll, Esquire,

11 Daniel A. Masur, Esquire,

12 On behalf of the City of
13 Baltimore

14 Samuel I. Gutter, Esquire,

15 On behalf of Defendant AT&T

16 Ronald D. Byrd, Esquire,

17 On behalf of Defendant BG&E

18 Mark E. Grummer, Esquire,

19 On behalf of Defendant

20 General Motors Corporation

21

 SALOMON REPORTING SERVICE, INC.
 Baltimore, Maryland (410) 539-6760

1 APPEARANCES: (Continued)

2
3 Thomas A. Ryan, Esquire,

4 On behalf of Defendant

5 Browning-Ferris Industries, Inc.

6 M. Lee Doane, Esquire,

7 On behalf of Defendant

8 Exxon Corporation

9 B. Mark Hausman, Esquire,

10 On behalf of Defendant

11 Kewanee Industries

12 John A. Gillan, Esquire,

13 On behalf of Defendant

14 Beatrice/Farboil

15 Samuel A. Bleicher, Esquire,

16 On behalf of Defendant

17 Allied-Signal Inc.

18 Robert Brager, Esquire,

19 On behalf of Defendant

20 Sweetheart Cup Company, Inc.

21

SALOMON REPORTING SERVICE, INC.
Baltimore, Maryland (410) 539-6760

1 APPEARANCES: (Continued)

2
3 Thomas F. Karaba, Esquire,
4 On behalf of Defendant
5 O'Brien Corporation

6 R. David Joseph, Esquire,
7 On behalf of Defendant
8 H. M. Holdings and
9 Crown Cork & Seal

10 Thomas L. Crowe, Esquire,
11 On behalf of Defendant
12 PORI International, Inc.,
13 specially appearing for Anchor
14 Post Products, Inc.

15 Parker E. Brugge, Esquire,
16 On behalf of Defendant
17 Canton Company of Baltimore

18 Tom Ligan, Esquire,
19 On behalf of Defendant
20 Armco Steel, Inc.

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APPEARANCES: (Continued)

Nancy J. Larson, Esquire,
On behalf of Defendant
Container Corporation
of America
Charles R. Schaller, Esquire,
On behalf of Defendants
Edward Azrael, Harriet Azrael
and the Estate of Albert Landay
Randall M. Lutz, Esquire,
On behalf of the Deponent

ALSO PRESENT:

Sean Breen, Law Clerk

1 (Whereupon, Tyler Deposition
2 Exhibit No. 1, Notice to Take Deposition,
3 marked.)

4 ALFRED TYLER, 2nd,
5 being first duly sworn to tell the truth, the
6 whole truth, and nothing but the truth, testified
7 as follows:

8 EXAMINATION BY MS. CASANO:

9 Q. Good morning, Mr. Tyler, my name is
10 Pat Casano, I am with the Justice Department and
11 I am representing the Environmental Protection
12 Agency this morning.

13 Would you state your full name and
14 address, please.

15 A. Alfred Tyler, 2nd, 12601 Long Green
16 Pike, Glen Arm, Maryland, 21057.

17 Q. Mr. Tyler, if at any point during the
18 questioning today you want to take a break, just
19 ask and we will be happy to accommodate you. If
20 you don't understand any of the questions that
21 you are asked, let us know and whoever is asking

1 the question will attempt to clarify it. If you
2 would try to remember that you need to answer
3 orally as opposed to nodding your head, so that
4 the court reporter can record your answer, that
5 would be helpful.

6 Are you taking any medications, Mr.
7 Tyler, currently?

8 A. Yes.

9 Q. Okay. Can you tell us --

10 MR. MASUR: Can you speak up, please.

11 Q. If you could speak a little more
12 loudly, please. Could you tell us what the
13 medications are.

14 A. Allopurinol and Prinvil.

15 Q. Are those for a particular condition?

16 A. One is for the gout and one is high
17 blood pressure.

18 Q. Do either of those have any effect on
19 your ability to testify truthfully?

20 A. Not that I know of.

21 Q. All right. Mr. Tyler, I am going to

1 show you a document that has been marked Tyler
2 Exhibit 1 and ask if you would take a quick look
3 at that, please.

4 Have you seen Exhibit 1 before, Mr.
5 Tyler?

6 A. Yes, I have.

7 Q. That is a copy of the notice of
8 deposition that you received; that is correct?

9 A. That is correct.

10 Q. You were asked in the notice to bring
11 with you documents of the type that are described
12 in the attachment to the notice. Have you
13 brought any documents with you?

14 A. I have brought no documents.

15 Q. Do you have any documents?

16 A. I have no documents.

17 Q. Mr. Tyler, do you recall being
18 interviewed in August of 1990 by several
19 attorneys in connection with Sauer's landfill?

20 A. Yes, I do.

21 Q. Did you review any documents prior to

1 that meeting?

2 A. I don't think so, no.

3 Q. Do you recall that before that
4 interview began, you were sworn by a court
5 reporter to tell the truth?

6 A. Yes.

7 Q. During that interview did you tell the
8 truth?

9 A. Yes.

10 Q. Were your answers to the questions
11 that you were asked during that interview based
12 upon your personal knowledge?

13 A. I would have to review every
14 question. Some might have been just hearsay or
15 whatever, so I am not, I would not say at this
16 point that everything was based on my exact
17 personal knowledge, no.

18 Q. Is it fair to say that your answers to
19 questions were based on things that you either
20 knew firsthand or were based on things that you
21 had heard from other people?

1 A. That would be correct.

2 Q. Was that knowledge that you had
3 acquired and things that you had heard during the
4 time that you were employed by Robb Tyler?

5 A. I really can't answer that. You know,
6 we are talking about 20, 25 years ago.

7 (Whereupon, Tyler Deposition
8 Exhibit No. 2, transcript of Tyler Interview,
9 marked.)

10 Q. Mr. Tyler, I am handing you a document
11 that has been marked as Tyler Exhibit 2. If you
12 would just review the first page of that,
13 please.

14 Have you seen Exhibit 2 before?

15 A. Yes, I have.

16 Q. Is Exhibit 2 a copy of the transcript
17 of the interview in which you participated last
18 year?

19 A. Yes, it is.

20 Q. Have you had a chance to review that
21 transcript at any time?

1 A. I have reviewed part of it. Actually,
2 I haven't reviewed all of it.

3 Q. Was that recently or would that have
4 been --

5 A. In the last couple weeks, yes.

6 Q. Okay. With respect to the parts of
7 the interview that you reviewed, did you notice
8 anything that you thought ought to be corrected
9 or changed?

10 A. I don't think so.

11 Q. Would you state your date of birth,
12 please.

13 A. October 19, 1942.

14 Q. And if you could just briefly tell us
15 what your education has been.

16 A. High school and four years of
17 college.

18 Q. When did you graduate from high
19 school?

20 A. 1960.

21 Q. What high school did you attend?

1 A. The Episcopal High School in
2 Alexandria, Virginia.

3 Q. Are you familiar with Patterson High
4 School here in Baltimore?

5 A. Yes, I am.

6 Q. When you were in high school did you
7 ever go to Patterson High School for any social
8 function?

9 A. No.

10 Q. Did there come a time after you
11 completed high school when you went to work for
12 your father?

13 A. In about 1965.

14 Q. Your father's name is Robb Tyler; is
15 that correct?

16 A. That is correct.

17 Q. When you first started to work for
18 your father, did you work directly for your
19 father or did you work for a corporation with
20 which your father was involved?

21 A. I worked for a corporation.

1 Q. Okay, what was the name of the company
2 that employed you?

3 A. Robb Tyler, Incorporated, Repairco,
4 Incorporated, there were several companies.

5 MR. KARABA: What was the name of
6 that?

7 MS. CASANO: I am going to follow up
8 with that.

9 Q. Was your father the owner of Robb
10 Tyler, Incorporated?

11 A. Yes, he was.

12 Q. Was he the sole shareholder, do you
13 know?

14 A. As far as I know.

15 Q. Did your father own any other
16 corporations?

17 A. He was, I am not really sure of the
18 ownership, whether they were owned by the
19 corporations or by him.

20 Q. Were there other corporations in which
21 your father had a significant role or a

1 significant involvement?

2 A. Well, there was Repairco which was the
3 maintenance of the equipment, and a company
4 called Waste Disposal, Inc., and Refuse Disposal,
5 Inc.

6 Q. We know from other testimony and
7 evidence that Robb Tyler, Inc. was a waste
8 hauling and disposal firm; is that correct?

9 A. That is correct.

10 Q. What kind of business did Waste
11 Disposal, Incorporated carry out?

12 A. Landfill business.

13 Q. Did Waste Disposal own landfills or
14 operate landfills or both?

15 A. I think operated.

16 Q. Okay, could you tell us which
17 landfills Waste Disposal, Incorporated operated.

18 A. Waste Disposal operated the landfill
19 over in west Baltimore.

20 Q. Would that have been the Reedbird
21 landfill?

1 A. Yes, and I think I said Reedbird in
2 this, I did notice that in here. There were
3 actually several landfills in that area, all of
4 which could probably have been known as Reedbird,
5 one operated by the City of Baltimore, one
6 operated by Baltimore County and one operated by
7 Waste Disposal, Inc.

8 Q. The landfill on Reedbird, was that the
9 only landfill that Waste Disposal operated?

10 A. I think other than maybe at a later
11 date Quarantine Road. But I am not really clear
12 in my mind about that.

13 Q. Was Waste Disposal, Incorporated an
14 active corporation during the 1960s?

15 A. Yes.

16 Q. Okay. What type of business did
17 Refuse Disposal, Inc. conduct?

18 A. Landfill business.

19 Q. And did Refuse Disposal own or
20 operate, or both, landfills?

21 A. I know it operated, I am not sure if

1 it owned.

2 Q. Which landfills did Refuse Disposal
3 operate?

4 A. The landfill off of Pulaski Highway.

5 Q. Would that have been the landfill that
6 other witnesses have referred to as the Rosedale
7 landfill?

8 A. That could be.

9 Q. What did you call that landfill, to
10 the extent you called it anything?

11 A. The landfill.

12 Q. Was that landfill located near 66th
13 Street and Pulaski Highway?

14 A. Yes, it was.

15 Q. I think for shorthand purposes for
16 today's deposition, I will refer to that as the
17 Rosedale landfill and I think that is what most
18 people will call that, so we are clear on what we
19 are referring to.

20 A. Okay.

21 Q. Refuse Disposal, Inc., was that an

1 active corporation during the 1960s?

2 A. I think so, yes.

3 Q. Did you ever work directly for --
4 strike that. Were you ever employed by either
5 Waste Disposal or Refuse Disposal?

6 A. I don't think so. It was not a very
7 clear delineation, I don't think, at that time.

8 Q. What was the name which appeared on
9 your paychecks during the 1960s? Do you remember
10 if it was Robb Tyler, Incorporated?

11 A. I really can't recall.

12 Q. Did your father have a significant
13 involvement in any corporation other than Robb
14 Tyler, Repairco, Waste Disposal and Refuse
15 Disposal?

16 A. There was a company called Smokatrol.

17 Q. What type of business did that company
18 conduct?

19 A. That manufactured and sold
20 incinerators.

21 Q. Were any of those incinerators used at

1 any of the landfills that the other companies
2 were involved with?

3 A. No, they were small, on-site
4 incinerators.

5 Q. Okay. Any other corporations with
6 which your father was actively involved?

7 A. Not that I recall, but he could have
8 been.

9 Q. When you first began working for Robb
10 Tyler, Incorporated -- and for shorthand purposes
11 I will probably just say Robb Tyler and whenever
12 I am talking about your father I will try to make
13 clear Mr. Robb Tyler as opposed to just Robb
14 Tyler -- when you were working for Robb Tyler,
15 what were your duties when you first started to
16 work for that corporation?

17 A. Mostly in the maintenance area.

18 Q. Did you have a title at that time?

19 A. I don't think I did.

20 Q. Okay. Approximately how many years
21 did you work in that area?

1 A. Two or three years, I guess.

2 Q. Did you stop doing maintenance work
3 and start doing something else, or did you
4 continue maintenance work but pick up additional
5 duties as time went by?

6 A. I would say I probably picked up
7 additional duties.

8 Q. When you first started working for
9 your father, did you consider yourself to be an
10 employee of the corporation as opposed to an
11 officer of the corporation?

12 A. Yes.

13 Q. At any point in time did you work as a
14 driver for Robb Tyler?

15 A. Only really during strikes or
16 emergencies.

17 Q. But there was never a time when you
18 regularly worked as a driver?

19 A. Never had a route.

20 Q. Okay. Did there come a time when you
21 acquired supervisory responsibilities?

1 A. At some point during the time that we
2 are talking about, yes.

3 Q. When that happened, who did you
4 supervise?

5 A. We were not a rigidly-structured
6 company, so I can't really say that these were my
7 duties or not, you know, certain things. It
8 would be just sort of general management as a, we
9 were not a very big company.

10 Q. Were you regarded as your father's
11 right-hand man?

12 A. Probably at some point.

13 Q. Okay. Do you recall who the officers
14 of Robb Tyler were in addition to your father?

15 A. There was Harry Robinson, Francis
16 Marbury, I think both vice-presidents. My
17 mother, I think, was treasurer. I think at one
18 point I might have been a vice-president, and my
19 father was president, and there might have been
20 some others. We were not very hung up on
21 titles.

1 Q. How long did you work for Robb Tyler,
2 Incorporated?

3 A. The company was sold in June of 1970,
4 so probably about four and a half years from the
5 middle of 1965 to 1970.

6 Q. You are referring to the sale to BFI,
7 to Browning-Ferris?

8 A. That is correct.

9 Q. Did you continue to work for Robb
10 Tyler, Incorporated after it was acquired by BFI?

11 A. Yes, I did.

12 Q. And how long did you work for BFI?

13 A. Until 1979.

14 Q. What were your duties when you were
15 working for BFI?

16 A. From about 19 -- from when it was sold
17 until about 1972, I was either a vice-president
18 or a president of Robb Tyler, Inc., and sometime
19 after that I became a regional vice-president for
20 Browning-Ferris. I am not sure if I still
21 maintained the title at Robb Tyler.

1 Q. Mr. Tyler, did you know a gentleman by
2 the name of Fred Sauer, Sr.?

3 A. I knew a gentleman called Fritz Sauer,
4 if that is the gentleman you are referring to.

5 Q. It is my understanding that Fritz was
6 Fred Sauer, Jr. Did you know Fritz' father?

7 A. No, I did not.

8 Q. How did you know Fritz Sauer?

9 A. Fritz Sauer had a company called North
10 Point Trash. He was a subcontractor for Robb
11 Tyler, Inc. and he had his own trucks and would
12 pick up Robb Tyler, Inc. customers as well as his
13 own.

14 Q. Do you know during what period of time
15 Fritz was a subcontractor for Robb Tyler?

16 A. Not exactly, but it was in the '60s
17 and probably into the '70s.

18 Q. Did you know any of Fritz' employees?

19 A. Yes.

20 Q. Do you recall any of their names?

21 A. His brother, Luke, and there was a guy

1 named John, I don't remember his last name.

2 Q. Okay.

3 A. And Mike Cefaloni.

4 Q. How did you come to know the
5 employees?

6 A. Because of the fact that they were
7 actually driving the trucks, picked up stops,
8 they would have to stop in at the office to pick
9 up tickets or whatever. Like I say, it was not a
10 large, well-structured office, so you would see
11 them around.

12 Q. When you say stop at the office, you
13 mean Robb Tyler's office?

14 A. Yes.

15 Q. Okay. Did you, were you ever
16 responsible for assigning drivers to customers?

17 A. Not directly. The dispatchers usually
18 did that.

19 Q. Did you have some indirect role?

20 A. Not that I remember, no.

21 Q. Do you recall which customers Mr.

1 Cefaloni served for Robb Tyler?

2 A. I really don't, no.

3 Q. Do you recall the names of the
4 customers that Fritz or his employees served for
5 Robb Tyler, without necessarily recalling which
6 drivers served those customers?

7 A. It would strictly be guessing right
8 now.

9 Q. That is fine. Are you familiar with
10 the area that we have come to know as Sauer's
11 landfill, which used to be located near the
12 intersection of Kane Street and North Point
13 Boulevard?

14 A. Yes, I am.

15 Q. How did you come to be familiar with
16 that?

17 A. I drove by it a lot and I knew that is
18 where North Point Trash was located.

19 Q. Did you ever visit Sauer's landfill?

20 A. Yes, I did.

21 Q. Do you recall when that would have

1 been?

2 A. On and off during the, this particular
3 period, I guess.

4 Q. When you say during this particular
5 period, do you mean --

6 A. 1965 to '70.

7 Q. Okay.

8 A. Maybe not even '70. I think it closed
9 as an operation, really, in the late '60s.

10 Q. Okay. Why would you go to Sauer's
11 landfill?

12 A. Stop in, just to deliver some tickets
13 or something. I don't know. I cannot really
14 tell you exactly why I did, stopped anywhere.

15 Q. Okay. Was there any period of time
16 when you would visit, when you visited Sauer's
17 landfill more frequently than you otherwise did
18 during the 1960s?

19 A. At one point we had some equipment
20 there and I think an operator to assist in the
21 landfill operation because we were dumping more

1 trucks on the Sauer landfill than our own, mainly
2 because our own landfill, I think, at that time
3 had been closed, and there was a period of time
4 between the closing of one landfill and the
5 opening of another.

6 Q. Okay. Did you personally ever haul
7 any loads of trash or waste to Sauer's landfill?

8 A. Not that I recall.

9 Q. I am going to direct your attention,
10 Mr. Tyler, to Exhibit 2, beginning on page 18,
11 line 15. I am going to read over to page 22,
12 line 15. This is an excerpt from the transcript
13 of the interview that was conducted last year:

14 "Q. Do you remember when the Rosedale dump
15 closed?

16 "A. I haven't looked it up, but it was
17 sometime prior to the opening of Norris Farm.

18 "Q. Do you remember why it closed?

19 "A. Basically, it was full.

20 "Q. You said you haven't looked it up; do
21 you have some records somewhere that would

1 refresh your recollection?

2 "A. No, I don't. I'm sure there might be
3 some newspaper articles somewhere.

4 "Q. Did you have a chance to review
5 newspaper articles that were sent to Mr. Couper?

6 "A. I looked at a few of them and the
7 dates were somewhere in the '68, '69 period.

8 "Q. Is that consistent with your
9 recollection?

10 "A. Yes.

11 "Q. Do you remember a period of time after
12 the Rosedale dump was closed before the Norris
13 Farm landfill opened?

14 "A. Yes.

15 "Q. Would that have been around the '68-69
16 period?

17 "A. Somewhere in that period.

18 "Q. Do you have a recollection of about
19 how long that period was, whether we are talking
20 days, weeks, months?

21 "A. I recall it being several months.

1 "Q. Several months?

2 "A. Yes, there was some intermittent
3 startup at Norris Farm and then a judge shut it
4 back down.

5 "Q. Was the Patapsco Avenue landfill still
6 operating during that period?

7 "A. I think so.

8 "Q. Do you know where the Robb Tyler
9 companies, their drivers, were taking the waste
10 during that period that Rosedale was closed and
11 Norris Farms wasn't yet opening?

12 "A. They would either be going to Patapsco
13 Avenue or we dumped, I know, at the Sauer dump
14 for about two or three months.

15 "Q. Were there any other landfill dumps
16 besides the Sauer dump and Patapsco?

17 "A. County landfills.

18 "Q. Did they use county landfills to the
19 best of your knowledge?

20 "A. Whenever we could.

21 "Q. Could the industrial waste go to the

1 county landfill or only residential?

2 "A. We didn't do any residential.

3 "Q. All of your waste was industrial?

4 "A. Industrial, commercial, as I say,
5 apartment houses would be considered commercial.

6 "Q. During this period, what would
7 determine which one of the other landfills the
8 driver would take the waste to? Was it purely a
9 function of geography?

10 "A. Basically geography.

11 "Q. They would take it to whichever was
12 closest?

13 "A. (Nodding head indicating yes.)

14 "Q. Do you know if there was any special
15 arrangement between the Robb Tyler companies or
16 the drivers and Fred Sauer during that period
17 when a lot more of the Robb Tyler drivers were
18 bringing waste to his landfill?

19 "A. I think we loaned him a dozer.

20 "Q. You loaned Sauer a dozer?

21 "A. Yes.

1 "Q. What was that for?

2 "A. To help run the landfill.

3 "Q. Were there any other accommodations
4 made during the period?

5 "A. Just that -- I don't think there was
6 any charge from Sauer for that, other than that
7 he would be able to use Norris Farm.

8 "Q. Tit for tat?

9 "A. Yes. We had a similar arrangement
10 with Baltimore County at one point also. We just
11 traded tonnage.

12 "Q. With the Baltimore County landfill?

13 "A. Yes. That was a little later, I
14 think, but it was still the same basic idea."

15 And that is the end of the quotation.

16 Mr. Tyler, is there anything in that
17 testimony that you would change or that you
18 recall any differently today?

19 A. I don't think so.

20 Q. Okay, directing your --

21 A. I am not, as far as the dates, I am

1 still, I can't give you exact dates at all.

2 Q. The dates that Rosedale landfill
3 closed and Norris Farm opened?

4 A. Yes.

5 Q. Okay. Directing your attention to
6 page 20, the bottom of the page, you were asked
7 whether Robb Tyler used county landfills and your
8 answer was, "whenever we could."

9 Were county landfills usually
10 available for use by Robb Tyler?

11 A. Yes.

12 Q. Okay. Were there any restrictions
13 upon what could be taken to county landfills?

14 A. I don't really recall. The landfills
15 that we used were probably Texas, and then there
16 was one on Patapsco Avenue, and I am not sure if
17 Batavia Farm Road was operable then, you know,
18 there were several landfills around.

19 Q. How often would you say, if you know,
20 did Robb Tyler drivers use county landfills?

21 A. I really don't recall.

1 Q. Were there restrictions upon who could
2 use county landfills during the 1960s?

3 A. I just really don't recall. I am not,
4 you know, we had our own landfills so we, you
5 know, we would not use them unless there was a
6 good reason and usually that would be if they
7 were closer or something, and I think, but at one
8 point later than that we used them considerably,
9 so --

10 Q. Okay.

11 A. And I just do not recall in my mind,
12 you know, the time frame.

13 Q. When a Robb Tyler driver would use a
14 county landfill, do you know, did the County
15 charge Robb Tyler for the use of the landfill?

16 A. I think so.

17 Q. Directing your attention to page 25 of
18 Exhibit 2, beginning with line 13, I am going to
19 read over to page 29, line 17:

20 "Q. There was an arrangement or
21 understanding between your company and Sauer's

1 about using the Sauer landfill during that period
2 of several months?

3 "A. Yes.

4 "Q. So you and your father knew that they
5 were using it, I take it, that the drivers were
6 going to Sauer's?

7 "A. Sure.

8 "Q. Did you personally ever discuss that
9 with Fred Sauer?

10 "A. I'm sure I did. I can't say
11 specifically, yes or no.

12 "Q. You said that Sauer didn't get paid
13 for the use of his landfill?

14 "A. To my knowledge, we did not -- he did
15 not charge and we didn't pay. Now, there might
16 have been some, but that's the way I recall it.

17 "Q. But it was your impression that there
18 was an understanding that, on his part, that he
19 would be able to use Norris Farm landfill later?

20 "A. Yes, which he did.

21 "Q. He did do that?

1 "A. Yes.

2 "Q. Do you know if at that time he was
3 expecting to close soon?

4 "A. I think that was probably part of it.
5 I think he was under some pressures from the
6 landowners.

7 "Q. So it was possible for him to look
8 down the road a year or two and see that he would
9 have to close?

10 "A. Yes.

11 "Q. And then he would need a place to take
12 his waste?

13 "A. He didn't have a whole lot. He was
14 only, I think, running maybe two or three trucks
15 and I think two of those were on some contract to
16 us anyway.

17 "Q. But he would have to take them
18 somewhere and you understand he would be able to
19 take them to the Norris Farm landfill?

20 "A. (Nodding head indicating yes.)

21 "Q. He's indicating correct. If you could

1 say yes or no, that would make the transcript a
2 little bit cleaner.

3 "A. Yes.

4 "Q. You said two or three of his trucks
5 were on subcontract to you, you mean to the Robb
6 Tyler companies?

7 "A. They were in the kind of trucks that
8 could pick up his containers or our containers.
9 So they would fill in when our trucks were busy.

10 "Q. If one of these Sauer trucks went out
11 to pick up a container from a Robb Tyler
12 customer, how would the money be handled? Did
13 Sauer get the money or did Robb Tyler?

14 "A. It would be billed by Robb Tyler.

15 "Q. Would Sauer get any money for that?

16 "A. He would then be paid a hauling fee.

17 "Q. Was that a regular thing that went on
18 even before this period?

19 "A. I think so, yes; I can't remember when
20 they got the kind of rigs that would handle the
21 containers that Robb Tyler, Inc. used. So I know

1 they had one rig that would handle one kind of
2 container and then later they got another rig and
3 I don't remember when that was.

4 "Q. Do you know if it worked the other
5 way, that Robb Tyler drivers would pick up from
6 Sauer customers and take to their dump, or was it
7 always the other way?

8 "A. It was always the other way.

9 "Q. Sauer would be helping out Robb Tyler
10 and bringing it to his dump?

11 "A. Yes.

12 "Q. Did money flow any differently, let's
13 think of a situation where a Fred Sauer's driver
14 was picking up for one of your customers, did
15 anything different happen in terms of money if
16 they took that load to the Sauer dump than if
17 they took it to your dump?

18 "A. To my recollection, no, but I can't
19 guarantee you that at all. I just don't
20 remember.

21 "Q. In other words, the hauling fee that

1 Sauer would be entitled to from picking up from a
2 Robb Tyler customer would be the same as if he
3 was taking it to his own customers or --

4 "A. I think so, but I can't remember."

5 Mr. Tyler, is there anything in the
6 excerpt of the transcript that we just read that
7 you would change or recall differently today?

8 A. I don't think so.

9 Q. You indicated previously that you
10 don't remember which customers Fritz Sauer,
11 employees of Fritz Sauer would serve for Robb
12 Tyler. Do you know where Sauer's employees would
13 take the waste that they picked up from Robb
14 Tyler's customers?

15 A. Not to my personal knowledge, really,
16 no. I have learned not to make too many
17 assumptions.

18 Q. Directing your attention to page 30,
19 line 17, and I am going to read over to page 32,
20 line 11 of Exhibit 2. You were asked:

21 "Q. But I take it you definitely do recall

1 a time when the Pulaski Highway landfill had
2 closed, Norris Farms had not yet opened, and you
3 could not take waste to either one of them?

4 "A. Yes.

5 "Q. In your recollection, it does seem
6 that that was a period of several months?

7 "A. Yes.

8 "Q. Do you recall who your customers were,
9 the various company customers during that period?

10 "A. I, you know, if you ask me, I'll tell
11 you whether I remember them or not, but to sit
12 here and give you the list, no, I don't think I
13 better do that.

14 "Q. Could we ask it this way: Would it
15 be -- a little bit earlier you said that during
16 that period, the landfill drivers went to
17 landfills depending on geography and expediency.
18 The Sauer landfill was closest to the Pulaski ^{Pulaski/60m}
19 Highway landfill, was it not, of the various ^{close to}
20 landfills that your companies used? _{Sauer}

21 "A. Yes.

1 "Q. Would that mean that most of the waste
2 that ordinarily went to the Pulaski Highway
3 landfill would go to Sauer's during that period
4 of several months?

5 "A. I guess you would make that
6 assumption.

7 "Q. Does that seem accurate to you?

8 "A. It seems logical to me.

9 "Q. It does seem logical?

10 "A. Of course, the garbage business wasn't
11 always logical.

12 "Q. Was there anybody's waste that you
13 could say specifically was sent over to Sauer
14 specifically?

15 "A. I would say, the accounts in east
16 Baltimore, but you are talking 20 years ago."

17 That is the end of the excerpt.

18 Mr. Tyler, is there anything about
19 that testimony that you would change or recall
20 differently today?

21 A. I don't think so.

1 Q. Okay. Directing your attention to
2 page 44 of Exhibit 2, beginning with line 14, and
3 I am going to read over to page 46, line 3. You
4 were asked:

5 "Q. Had you been out there to the Sauer
6 dump before the Pulaski site closed?

7 "A. I might have stopped over there,
8 but --

9 "Q. I am wondering whether you have any
10 recollection now of a difference in the volume of
11 waste coming in there or being there before
12 Pulaski closed and after --

13 "A. There was a lot more after.

14 "Q. I mean, would it have been a
15 noticeable difference?

16 "A. Certainly, because I know all of our
17 trucks or a lot of them would have been going in
18 there.

19 "Q. Do you have any rough idea of how many
20 trucks that would have been per day?

21 "A. I really don't. I would hate to say.

1 "Q. Do you know how many trucks you owned
2 at that time, the companies owned?

3 "A. I don't know. Fifty. I don't know.
4 I've been through a lot of different companies
5 and so I really don't recall what the number
6 was.

7 "Q. From what we said before, I take it it
8 could have been the entire volume of what
9 otherwise went into the Pulaski Highway dump,
10 does that sound correct?

11 "A. That's possible, yes.

12 "Q. Some of the drivers we have talked to
13 indicated that in fact everything shifted over
14 from the Pulaski Highway dump to the Sauer dump *Drivers!*
15 Do you have any reason to think otherwise? *Everything from 68th*

16 "A. No. If they took them in there, then
17 they should know."

18 And that is the end of the quotation.

19 Mr. Tyler, is there anything about the
20 testimony that I just read that you would change
21 or recall differently today?

1 A. I don't think so.

2 Q. So it is your recollection that
3 Tyler's, Robb Tyler's drivers used Sauer's
4 landfill the entire time that the Rosedale
5 landfill was closed, before Norris Farms opened?

6 A. But not exclusively.

7 Q. Right. That is fine. Do you recall
8 whether Tyler's drivers used Sauer's landfill
9 before the Rosedale landfill closed?

10 A. I think it is probable that there were
11 some that did, and I do not recall exactly but --

12 Q. Did you ever see a Tyler driver
13 bringing a load of waste or trash to Sauer's
14 landfill before Rosedale closed?

15 A. I can't really testify that I did, but
16 I, you know, once again, I am sort of making an
17 assumption and with the years that have gone by,
18 I think there was probably some loads that went
19 in there. I am trying to remember if I actually
20 saw -- I can't testify that I actually saw it.

21 Q. Directing your attention to page 49 of

1 Exhibit 2, beginning with line 10, and I am going
2 to read over to page 50, line 19. You were
3 asked:

4 "Q. Yes, that's my understanding. If you
5 were to look at a customer list, would you be
6 able to remember which customer's waste went
7 either to Norris Farms or Pulaski Highway on one
8 hand and some other dump on the other hand?

9 "A. Probably not with a greet degree of
10 accuracy. It would be, for me, it would be a bit
11 of a guess, too, to say that's closer there, *68th transfer*
12 therefore it probably went there. *units by*
Geography

13 "Q. Would geography be a good guide?

14 "A. Geography is always a good guide when
15 you are trucking stuff around. The shortest
16 distance.

17 "Q. In other words, if we had a map of the
18 Baltimore area, would you be able to draw a line
19 more or less indicating the territories for the
20 dumps?

21 "A. Probably not.

1 "Q. Let's go at it a different way. If
2 you locate the address on a map of one of the
3 customers and then locate both of the two
4 landfills, it would be more likely that that
5 customer's waste would be taken to the closest
6 landfill?

7 "A. It would be more likely.

8 "Q. Were there any particular customers or
9 any particular type of waste that for any reason
10 other than geography, that you would have or the
11 drivers would have taken it to the further-away
12 landfill?

13 "A. Not that I recall, no."

14 That is the end of the quotation.

15 Mr. Tyler, is there anything about
16 that testimony that you recall differently or
17 would change today?

18 A. No.

19 (Whereupon, Tyler Deposition
20 Exhibit Nos. 3 through 6, newspaper articles,
21 marked.)

1 Q. Mr. Tyler, I am handing you a copy of
2 a newspaper article which has been marked Tyler
3 Exhibit 3 and I would ask you to review that,
4 please.

5 MR. SCHALLER: Which one is it?

6 MS. CASANO: It is the April 4, 1969
7 from the Baltimore News American. This is a copy
8 of an article that was produced by General Motors
9 Corporation in this litigation.

10 MR. LUTZ: For the record, I have to
11 say that the copy is not very good and there are
12 parts that are obliterated.

13 MR. BRAGER: Mark, is this date yours,
14 9/9?

15 MR. GRUMMER: I don't know.

16 Q. Have you completed reading the
17 article?

18 A. I couldn't read very much of it.

19 Q. I am mostly interested in the part of
20 the article that, I think, actually the first
21 paragraph of the article.

1 Do you recall whether this is one of
2 the articles that was shown to you when you were
3 interviewed last year?

4 A. I don't recall.

5 Q. The first paragraph of the article
6 indicates that Judge -- I am not sure how to
7 pronounce that -- Gede, had issued a decision to
8 delay for 30 days his order closing the Robb
9 Tyler dump. If you go to the bottom of the
10 second column, the very last line, and read over
11 to the top of the third column, it says,
12 quote: "Judge Gede had last week ordered the
13 landfill dump closed effective April 1 and gave
14 Refuse Disposal, Inc., the firm owned by Tyler,
15 30 days to completely cover the dump, grade it,
16 and put out the fires or face a \$29,000 fine."

17 That is the end of the quotation.

18 This is an article from the April 4,
19 1969 Baltimore News American. The parts that I
20 just read indicate that the judge gave Refuse
21 Disposal until May 1, 1969 to close Rosedale

1 landfill.

2 Does that jog your recollection as to
3 when the Rosedale landfill closed?

4 MS. MARKS: Excuse me, Pat, I think
5 the date in there is April 1, not May 1; is that
6 right?

7 MS. CASANO: I am sorry, it was
8 extended, though.

9 MS. MARKS: Okay.

10 A. If that is what it says, that is what
11 it says.

12 Q. You don't have any reason to believe
13 that this article is in error in any way?

14 MR. LUTZ: Objection.

15 A. Being the News American --

16 MR. KARABA: It is a newspaper.

17 MR. LUTZ: I think you can ask him if
18 he has any personal knowledge of those facts, but
19 since the newspaper is hearsay, I think it is
20 difficult to ask it that way.

21 Q. I think I would like you to answer the

1 question that I asked, which was, do you have any
2 reason to believe that -- maybe I am modifying
3 this a little bit, do you have any reason to
4 believe that the facts reported in this article
5 are in error in any way?

6 MR. LUTZ: Objection.

7 Q. You can answer.

8 A. I can't say. You know.

9 Q. Do you have any personal recollection
10 today that the Rosedale landfill was closed as of
11 May 1, 1969?

12 A. I just don't recall the exact dates.

13 Q. Directing your attention to Exhibit 4,
14 Mr. Tyler, which is a copy of an article from the
15 May 8, 1969 Baltimore News American, if you would
16 review that, please.

17 Directing your attention to the very
18 last paragraph of that article, Mr. Tyler, it
19 indicates that the Rosedale landfill had been
20 closed. Do you have any reason to believe that
21 the facts stated in that last paragraph are

1 incorrect?

2 A. No.

3 Q. Directing your attention to a copy of
4 a newspaper article that has been marked Tyler
5 Exhibit 5. It is the fourth column from the
6 right. If you would read that column, please.

7 The article is, the column is entitled
8 "County Pledges Sanitary Use of Landfill." This
9 is from the September 9, 1969 -- I am not sure
10 which newspaper, though.

11 Directing your attention to the third
12 paragraph of the article in Exhibit 5, Mr. Tyler,
13 that paragraph says, quote, "Opening of the Tyler
14 landfill, which was widely opposed by area
15 residents, came after a decision last week by
16 Judge John E. Raine, Jr. in overruling a Housing
17 Court conviction of Mr. Tyler's firm for using
18 the landfill site without a county permit."

19 Do you have any reason to believe that
20 the statement made in that paragraph is
21 incorrect?

1 A. No.

2 Q. Directing your attention to Tyler
3 Exhibit 6, which is a copy of a portion of the
4 Baltimore News American from August 15, 1969, if
5 you would read the article entitled Court Fines
6 Tyler \$1,000 in Dump Dispute, and that does
7 continue over to the next page.

8 I recognize that part of what appears
9 on the second page of Exhibit 6 isn't legible.
10 If you would skip down to about the middle of the
11 first full column, there is a paragraph that
12 begins, "One of the major haulers," and just read
13 from there. I am not going to ask you anything
14 about the part that is illegible.

15 The article that is Exhibit 6
16 indicates that at least on one occasion dumping
17 occurred at Norris Farm, the Norris Farm
18 landfill, before it was opened. Is that
19 consistent with your recollection?

20 A. Yes.

21 Q. Do you know whether there were --

1 A. Of course, our contention was that it
2 was open.

3 Q. Do you know how often dumping occurred
4 at Norris Farm before it was opened?

5 MR. LUTZ: Objection. If you can
6 answer.

7 A. You know, I really don't recall.
8 Either one or two. It was a test to try and
9 force the issue and I am just --

10 Q. Is it fair to say that dumping did not
11 occur at Norris Farm on a regular basis before it
12 was fully permitted?

13 A. I am not sure that is fair either. I
14 just don't recall how long we dumped before they
15 stopped us and, you know, it was sort of an
16 ongoing battle with the administration. They
17 were basically illegally withholding the
18 permits.

19 Q. I think the excerpts of the testimony
20 that I read from Exhibit 2 before indicated that
21 during the time after Rosedale closed and before

1 Norris Farm opened, Tyler's drivers took their
2 loads to other landfills such as Sauer's, and
3 what I am trying to determine is whether a
4 significant amount or number of those loads went
5 to Norris Farm or whether most of the loads that
6 Tyler's drivers were hauling went to landfills
7 other than Norris Farm before it officially
8 opened, if you will.

9 A. I just don't recall the volumes.

10 Q. Okay. Well, you indicated that this
11 was a test. What did you mean by that?

12 A. We were testing the will of the County
13 to withhold the permit. We felt we had a right
14 to open and they were really illegally
15 withholding the permits.

16 Q. Do you know whether any dumping had
17 occurred at Norris Farm landfill before the
18 incident that is reported in Exhibit 6?

19 A. I don't recall.

20 Q. Okay. Do you know a gentleman by the
21 name of Edgar Smith, Mr. Tyler?

1 MR. LUTZ: Excuse me for one minute.
2 Are you intending to introduce these into the
3 record?

4 MS. CASANO: Beyond what I have
5 already done?

6 MR. LUTZ: Yes. I mean, are you going
7 to formally introduce them as part of the
8 deposition?

9 MS. CASANO: Well, let's take a
10 break. I have never done that before.

11 MR. LUTZ: Well, I am not going to
12 object to it, then. All right.

13 MS. CASANO: I have never offered the
14 exhibits, well, maybe I need an education here.

15 Off the record.

16 (Discussion off the record.)

17 MS. CASANO: Back on the record.

18 Q. I think I had asked you if you know a
19 gentleman by the name of Edgar Smith.

20 A. Yes.

21 Q. How do you know Mr. Smith?

1 A. He was an employee.

2 Q. Of Robb Tyler, Incorporated?

3 A. Of one of the companies. I think he
4 might have been Refuse Disposal.

5 Q. Mr. Smith has indicated in his
6 deposition that he was employed by Robb Tyler,
7 Inc.

8 A. I am sure he looked at his check.

9 Q. Thank you. What kind of work did Mr.
10 Smith do?

11 A. He was a bulldozer operator.

12 Q. Directing your attention to Exhibit 2,
13 page 72, beginning on line 3, I am going to read
14 over to page 74, line 2. You were asked:

15 "Q. You mentioned during this period that
16 Rosedale was closed and before Norris Farms
17 opened, that Robb Tyler might have or did lend a
18 bulldozer to Sauer to help control the site. Do
19 you recall any employees being loaned to Sauer to
20 help drive that bulldozer or to handle that?

21 "A. Yes.

1 "Q. Do you recall who they might have
2 been?

3 "A. Smitty.

4 "Q. Smitty. Is Smitty still with us, do
5 you know?

6 "A. I think he is.

7 "Q. Do you remember his full name?

8 "A. Edgar Smith.

9 "Q. He was a Robb Tyler employee?

10 "A. He was actually probably a Refuse
11 Disposal employee.

12 "Q. And during this period, was he
13 full-time working at the Sauer site?

14 "A. If the dozer went, he would have gone
15 with it.

16 "Q. It was his dozer?

17 "A. It was the one he operated, yes.

18 "Q. Were there any other employees or any
19 other pieces of equipment that Robb Tyler loaned
20 to Sauer during that period?

21 "A. I don't recall. There could have

1 been. Maybe another dozer from time to time. I
2 don't know if there was any pans. I just don't
3 remember.

4 "Q. Do you recall any other employees of
5 Robb Tyler or the related entities that would
6 have worked at the Sauer dump during that period?

7 "A. Maybe George Gephardt would have gone
8 over there. He was a supervisor.

9 "Q. What would have been his role there?

10 "A. He might have gone over to operate it
11 if Smitty was not there. I don't know.

12 "Q. Operate the dozer?

13 "A. Yes.

14 "Q. To do real work.

15 "A. He was a working supervisor."

16 And that is the end of the excerpt.

17 Mr. Tyler, is there anything about the
18 testimony that I just read that you would change
19 or recall differently today?

20 A. I don't think so.

21 Q. We have had testimony from other

1 witnesses, Mr. Tyler, that indicates that you
2 went to Sauer's landfill when Smitty was working
3 there in order to check up on him, basically; is
4 that correct?

5 A. I am not sure I was there to check up
6 on him, but I would have stopped by to see what
7 was going on.

8 Q. Do you recall how frequently you would
9 have gone to Sauer's landfill during this period
10 when Rosedale, after Rosedale closed and before
11 Norris Farm opened?

12 A. I really don't.

13 Q. Okay. Do you recall where Mr. Smith
14 worked at Sauer's landfill when he worked there?

15 A. Could you be more specific.

16 Q. Do you recall whether Mr. Smith worked
17 at a particular location at Sauer's landfill or
18 whether he worked at different locations at
19 Sauer's landfill?

20 A. I think it was only one location, is
21 where the dumping was occurring.

1 Q. Aside from the time when, after the
2 Rosedale landfill closed and before the Norris
3 Farm landfill opened, do you recall any other
4 time during the 1960s or the early 1970s when
5 none of the dumps owned or operated by Robb
6 Tyler, Inc. or Refuse Disposal or Waste Disposal,
7 Incorporated were open?

8 A. Could you rephrase that.

9 Q. Sure. Do you recall any time during
10 the 1960s other than that period of time after
11 Rosedale closed and before Norris Farm opened
12 when none of, what I will refer to as the Tyler
13 landfills were open?

14 A. Not specifically, no.

15 Q. Directing your attention to page 122
16 of Exhibit 2, beginning with line 7, I am going
17 to read over to page 123, line 4. You were
18 asked:

19 "Q. With respect to drivers generally,
20 what I'm trying to find out is what ones might
21 have knowledge about waste going to your

1 particular -- to the Pulaski Highway landfill.
2 Did they, did drivers typically go to one
3 landfill rather than the other?

4 "A. As a rule, but not always. A lot of
5 the trucks were radio dispatched and the stops
6 were on a call-in basis and, you know --

7 "Q. Would the dispatcher direct each load
8 or would it -- how often would the dispatcher
9 issue instructions about where to dump, on a
10 load-by-load basis?

11 "A. Sometimes and sometimes not. There
12 would be certain regular stops that route trucks
13 would have, you know, would be routed to go to a
14 particular landfill. The ones who operated off
15 of radio dispatch system would also have a
16 certain number of regular stops that would go to
17 a predestined landfill.

18 "Q. They would not have to call?

19 "A. They would call in and out but not
20 really for directions, just because it was a
21 company requirement. So they figured they were

1 driving and not sleeping."

2 And that is the end of the quotation.

3 Mr. Tyler, is there anything about the
4 testimony that I just read that you recall
5 differently today or that you would change?

6 A. I don't think so.

7 Q. When a customer first became a
8 customer of Robb Tyler, could you tell us who
9 decided where that customer's waste should be
10 taken?

11 A. It would just go up to the
12 dispatchers, I guess, as much as anybody, would
13 direct.

14 Q. Were the drivers able to pick and
15 choose landfills?

16 A. Probably not as a rule, but if there
17 was some traffic contingency that they were aware
18 of or a street closing or something, they might.

19 Q. Do you know of any instance when a
20 customer specified the landfill to which its
21 wastes should be taken?

1 A. I don't recall.

2 Q. Did you personally ever do any work at
3 Sauer's landfill?

4 A. Not that I recall.

5 Q. Directing your attention to page 38 of
6 Exhibit 2 beginning with line 11, and I am going
7 to read over to page 39, line 9. You were asked:

8 "Q. Did you ever go to the Sauer dump
9 yourself during that period?

10 "A. Yes, I did.

11 "Q. Can you describe for us what it looked
12 like, particularly where things were dumped in
13 proximity to the roads.

14 "A. No. It went through a junkyard off of
15 Kane Street.

16 "Q. It went off of Kane?

17 "A. Yes.

18 "Q. Was the dump on the left or right?

19 "A. I don't know. The road went back, and
20 I'm trying to figure that in my mind, but the
21 topography has changed a lot, and I don't really

1 recall, because a lot of that whole area was then
2 redug up and a lot of the old dump was dug up and
3 moved onto the 95, around the 95 overpasses along
4 with the relocation of the old Colgate landfill
5 when 95 was put through there, and when 95 came
6 in, I, you know, I just don't know."

7 And that is the end of the quotation.

8 Mr. Tyler, is there anything about
9 that testimony that you would change or recall
10 differently today?

11 A. No.

12 Q. You mentioned in this testimony a road
13 that went back to the dump. Do you recall
14 whether dumping occurred on the left side of the
15 road, the right side of the road, or both sides
16 of the road?

17 A. As far as I recall, it was on the
18 right, but there is no real strong marker in my
19 mind. They just, I think it is pretty much
20 there.

21 Q. When you say that dumping occurred to

1 the right, are you familiar with railroad tracks
2 that are located adjacent to Sauer's landfill?

3 A. The old Bayview yard?

4 Q. I think that is correct. When you say
5 the dumping occurred to the right, do you mean
6 that it would have been in the direction of the
7 railroad tracks? You are looking at, I am not
8 sure what this is. You are looking at a document
9 that is Bates-stamped 0000362 and this is a copy
10 of a document that was produced by the United
11 States to the original defendants and has since
12 been made available to all of the defendants.
13 This is an overhead sketch, sketch map of PICORP,
14 Inc.

15 Does looking at this sketch enable you
16 to recall whether dumping occurred, when you said
17 that dumping occurred on the right side of the
18 road, dumping occurred in the direction of the
19 railroad tracks?

20 A. That is correct. It was over in this
21 area.

1 Q. Thank you.

2 MR. RYAN: Pat, what was that answer?

3 MS. CASANO: "That is correct. It was
4 over in this area."

5 MR. BRAGER: Can we ask the witness to
6 identify what he meant by "this area" or circle
7 on the map or something.

8 MS. CASANO: Well, I am not going to
9 do that because he testified that the topography
10 has changed so much, so if someone else wants to
11 do that --

12 MR. KARABA: Wait a minute. You have
13 asked him to clarify his statement, what he meant
14 by right side, and he has clarified it by making
15 reference to a map and to the railroad, so I
16 think he can expand upon that.

17 MR. BRAGER: That is okay, we can just
18 do it.

19 Q. Let me ask you this. When you say
20 dumping occurred on the right side, you are
21 saying the right side of the road that led into

1 the dump; is that correct?

2 A. Yes. I think, from what I recall, but
3 once again, you know, in looking at this
4 particular map, it is a little easier.

5 Q. Did the road have a name when you were
6 there at Sauer's landfill in the 1960s?

7 A. No. Not that I remember.

8 Q. Do you know whether that road -- are
9 you familiar with Lombard Street?

10 A. Yes, I am.

11 Q. Do you know whether Lombard Street is
12 built where that road was built, where, I am
13 sorry, where that road was in the 1960s?

14 A. I just really don't recall offhand.
15 It would be in that area, so, you know, this
16 refreshes my memory a little bit.

17 Q. When you are looking at the sketch
18 that is Bates-stamped 0000362 and saying that
19 dumping occurred to the right of the road, are
20 you referring to Lombard Street?

21 A. In this case, yes, but I thought it

1 was more over in here at that time, but once
2 again, I --

3 Q. And when you say over in here at that
4 time, you mean --

5 A. I am not sure this map is to scale
6 so --

7 Q. And when you say over here at this
8 time, you are indicating --

9 A. Down in this area.

10 Q. -- the area that is marked "cinder
11 blocks, miscellaneous"?

12 A. I guess, yes. Over here.

13 Q. Okay. Thank you.

14 MR. RYAN: Pat, just ask him now whose
15 circle that is on that.

16 Q. There is a circle drawn on Exhibit 3,
17 on the document that is marked, and I guess we
18 ought to enter this as an exhibit, on the
19 document that is marked 0000362. Do you know who
20 made that circle, Mr. Tyler?

21 A. I am not sure. I just don't recall.

1 Q. I take it you did not make that
2 circle?

3 A. I well could have. I just don't
4 recall.

5 MS. CASANO: Why don't we mark this
6 6-A.

7 MR. MASUR: Pat, I am going to make an
8 objection for the record because I believe this
9 sketch map is, in fact, dramatically out of scale
10 and is inaccurate, for example, in where it shows
11 I-95 to be, and I believe it is inaccurate in
12 several other respects and therefore I will
13 object to the exhibit.

14 MR. GRUMMER: I would like to add the
15 same objection. That is a hand-drawn map that
16 may or may not be of the same site, may or may
17 not be to scale. There is no indication of who
18 drew it, and for those and other reasons I object
19 to the testimony insofar as it is based on this
20 map.

21 MR. MASUR: I also want to object on

1 the grounds that there were indications on here
2 as to particular landmarks or things which were
3 supposedly found on there, and to the extent we
4 don't have any foundation as to who made it and
5 on what basis, that would also be hearsay.

6 MS. CASANO: Let me just say that I
7 agree with everything that has been said, but I
8 will mark this as an exhibit because I think that
9 probably other people will be referring to it and
10 for the sake of the record we should mark it.

11 (Whereupon, Tyler Deposition
12 Exhibit No. 6-A, overhead sketch map of PICORP,
13 marked.)

14 Q. Do you recall how many entrances there
15 were to Sauer's landfill in the 1960s, Mr. Tyler?

16 A. I think there were two.

17 Q. Do you recall where those were
18 located?

19 A. One off of North Point Boulevard and
20 one off of Kane Street.

21 Q. When you went to the landfill which

1 entrance did you use?

2 A. Usually Kane Street.

3 Q. Was there a particular reason why you
4 would use the Kane Street entrance as opposed
5 to --

6 A. It was more convenient.

7 Q. Was there a fence around any portion
8 of the dump?

9 Q. Not that I recall. There wasn't a
10 fence.

11 Q. Were there any buildings located on
12 Sauer's landfill?

13 A. There was an old house there on the
14 corner, and there might have been a house at the
15 junkyard.

16 Q. When you say on the corner, do you
17 mean at the intersection of Kane and North Point?

18 A. In that area, yes.

19 Q. Any other buildings that you recall?

20 A. I think a trailer.

21 Q. Do you recall ever seeing any drums at

1 Sauer's landfill?

2 A. I don't recall, no.

3 Q. Do you recall ever seeing any liquids
4 being dumped at Sauer's landfill?

5 A. I don't really recall a specific
6 incident, no. Might have been, you know, dumping
7 water or whatever on the roads to keep the dust
8 down, that would be the --

9 Q. Did you ever see any liquid wastes at
10 Sauer's landfill?

11 A. Not that I recall, but --

12 Q. That is fine. Did you ever see any
13 bulldozing occurring at Sauer's landfill?

14 A. Could you be more specific.

15 Q. Did you ever see anyone digging pits
16 or trenches at Sauer's landfill?

17 A. I really don't recall because I can't
18 remember if it was sort of being, filling in some
19 ravines or if there was excavation. I don't
20 know.

21 Q. Did you ever see anyone pushing waste

1 into a trench at Sauer's landfill?

2 A. I assume if that is where we were
3 dumping, you know, I --

4 Q. Is it fair to say you just don't
5 remember?

6 A. I think that is probably the safest
7 thing to say.

8 Q. Did you ever see anyone pushing down
9 trees at Sauer's landfill?

10 A. I just don't recall.

11 Q. Did you ever see anyone other than an
12 employee of Fritz Sauer or Fritz Sauer himself
13 using any heavy equipment of any kind at Sauer's
14 landfill?

15 A. I think I have already testified that
16 we had a bulldozer there.

17 Q. I am sorry, that is right. Aside from
18 Smitty, aside from Smitty and someone, either
19 Fritz Sauer himself or any employee of Fritz
20 Sauer, did you ever see anyone else?

21 A. Not that I recall.

1 Q. Okay. Did you ever see any other
2 business operating at Sauer's landfill other than
3 Fritz Sauer's business, North Point Trash
4 Removal?

5 A. The junkyard on the corner, but I
6 don't think that was connected.

7 Q. Okay. Did you ever see any wire at
8 Sauer's landfill?

9 A. I don't recall specifically.

10 Q. Did you ever see, are you familiar
11 with fly ash?

12 A. Yes, I am.

13 Q. What does fly ash look like?

14 A. Dust. Coal ash. Stack ash.

15 Q. Did you ever see fly ash at Sauer's
16 landfill?

17 A. Once again, I don't recall. You know,
18 I can say we used fly ash as cover on different
19 landfills and to say I specifically remember it
20 at Sauer's, I think, would be wrong. Because I
21 was used to seeing a lot of fly ash.

1 Q. Are you able to say that you
2 definitely did not see fly ash at Sauer's
3 landfill?

4 A. No, I am not.

5 Q. Did you see any, are you familiar with
6 electrical transformers?

7 A. Yes.

8 Q. Did you ever see any transformers at
9 Sauer's landfill?

10 A. Not that I recall.

11 Q. Do you want to take a break at all?

12 A. Makes no difference to me.

13 Q. Why don't we keep going, then.

14 MS. CASANO: Well, why don't we take a
15 five-minute break.

16 (Recess taken.)

17 (Whereupon, Tyler Deposition
18 Exhibit No. 7, letter from Raymond L. Wroten to
19 Louis H. Diven, dated April 20, 1972, marked.)

20 (Whereupon, Tyler Deposition
21 Exhibit No. 7-A, aerial photo, marked.)

1 Q. Mr. Tyler, do you recall being
2 contacted in 1972 by an investigator for the City
3 of Baltimore with respect to Sauer's landfill?

4 A. I don't recall.

5 Q. I am handing you a document that has
6 been marked Tyler Exhibit 7 which you probably
7 have not seen before. You can read the entire
8 thing, but I am going to ask you about paragraph
9 8 on page 2.

10 MR. LUTZ: Let me see this. I haven't
11 seen this before.

12 THE WITNESS: You haven't?

13 MR. LUTZ: I haven't seen this
14 before.

15 THE WITNESS: Neither have I.

16 MS. CASANO: There are extra copies,
17 they are being passed around.

18 I will read this into the record for
19 the benefit of those people who don't have one.

20 Reading from paragraph 8 on page 2 of
21 Exhibit 7. Exhibit 7 is a copy of a letter from

1 Raymond L. Wroten, senior, claims investigator,
2 to Louis H. Diven, chief assistant solicitor,
3 claims. This is a copy of a letter that was
4 produced by the City of Baltimore in this
5 litigation. The exhibit is Bates-stamped page
6 Nos. B 000477-478.

7 Paragraph 8 reads: "Allie Tyler,
8 president, Robb Tyler Trash Removal, was
9 contacted by phone 686-6161. He freely admitted
10 his trucks dumped throughout the area where
11 Bayview Avenue is being constructed. He contends
12 that the area was owned by Mr. Albert Landay and
13 was rented to Mr. Frederick A. Sauer. Mr. Sauer
14 operated North Point Trash Removal Service at 306
15 North Point Road for many years and is now out of
16 business. Mr. Tyler never paid to dump in the
17 area as he had a reciprocal agreement with Mr.
18 Sauer allowing North Point Trash trucks to dump
19 in his landfills in exchange for dumping in
20 theirs. He said there was no question that Mr.
21 Sauer was paying Landay for the rental of this

1 field and, naturally, would be charging others to
2 dump there."

3 And that is the end of the quotation.

4 Have you had a chance to read
5 paragraph 8, Mr. Tyler?

6 A. Uh-huh.

7 Q. Does that refresh your recollection --

8 A. I don't recall it, no.

9 Q. Do you recall whether 686-6161 was
10 your phone number back in the 1970s?

11 A. Yes, it was.

12 Q. Is it still your phone number?

13 A. No.

14 Q. Okay.

15 Is there anything in paragraph 8 that
16 you think is in error?

17 A. I think I would have to say, you know,
18 I don't recall the conversation, so I really
19 can't say other than it seems rather broad.

20 Q. Okay. Let me ask you this, then. The
21 second sentence of paragraph 8 reads: "He freely

1 admitted his trucks dumped throughout the area
2 where Bayview Avenue is being constructed."

3 Do you agree or disagree with that
4 statement?

5 A. Well, I think --

6 Q. The part I am interested in is "his
7 trucks dumped throughout the area where Bayview
8 Avenue is being constructed."

9 A. I just can't comment on that because I
10 am not really sure.

11 Q. And you are not sure because you are
12 not sure where Bayview Avenue was built?

13 A. Right. And I am sure he said
14 somewhere near the Sauer's dump, and I said yes,
15 we dumped there, but --

16 Q. Thank you.

17 Mr. Tyler, I am going to hand you a
18 blowup of an aerial photograph that we have
19 labeled Exhibit 7-A. This is an aerial
20 photograph that was taken in 1969. I am not sure
21 exactly when in 1969.

1 We will establish through other
2 testimony that the street that runs from the
3 left-hand upper corner -- the upper left-hand
4 side of the photo down at a diagonal to the
5 middle of the right-hand side of the photo is
6 North Point Boulevard, and we also will establish
7 through other witnesses that the street that runs
8 from about the middle of the bottom of the photo
9 to the middle of the right-hand side of the photo
10 is Kane Street.

11 We also will establish that the large
12 building that appears about in the middle of the
13 photo about 4 inches up from the bottom is
14 Patterson High School.

15 Mr. Tyler, do you see anything on this
16 photo that you can identify, any structures or
17 facilities that you can identify in the area
18 bordered by North Point Boulevard, Kane Street,
19 Patterson High School, and the railroad tracks?
20 And actually what I am interested --

21 A. Why don't you just be more specific

ORIGINAL
(Red)

1 and ask me.

2 Q. All right, do you see anything on that
3 photo that looks like tennis courts or baseball
4 diamonds?

5 A. Or a track?

6 Q. Or a track? I take it you do?

7 A. Yes.

8 Q. Do you recall whether the baseball
9 diamonds existed when you were at Sauer's
10 landfill in 1969?

11 A. I don't recall.

12 MR. KARABA: Objection. There are at
13 least four or three baseball diamonds that I see,
14 four diamonds that I see.

15 Q. Let me ask a different question. Do
16 you recall seeing any baseball diamonds when you
17 went to Sauer's landfill in the 1960s?

18 A. I don't recall.

19 Q. You indicated earlier that you usually
20 entered Sauer's landfill from Kane Street.
21 Looking at this photo, would you be able to

82
(10)

1 indicate approximately where that entrance was,
2 and I have some --

3 A. Probably here, right down by the
4 junkyard.

5 Q. Would you put a green X where the
6 entrance was, please.

7 A. I think.

8 Q. Now, you also indicated that when you
9 entered the landfill you drove back on a road
10 into the landfill. Do you see anything on this
11 picture that looks like a road going back into
12 the landfill?

13 A. It goes here.

14 MS. CASANO: The witness is --

15 Q. You can draw a green line along that.

16 MS. CASANO: The witness is drawing a
17 green line to indicate the road that he drove
18 on.

19 Q. Was that the --

20 A. And then I just don't recall because
21 it was, you know, it would have been back, I

1 mean, I see some roads, but I really don't
2 remember if I took, how far I went, when I turned
3 the wheel or any of those things.

4 Q. Are you able to say whether dumping
5 occurred -- let me start over, I am sorry.

6 We will establish through other
7 testimony that this light-colored area to the
8 left of the intersection of North Point Boulevard
9 and Kane Street is an area that has been
10 bulldozed or excavated.

11 Are you able to say where you saw
12 dumping occur within that light-colored area when
13 you were at Sauer's landfill?

14 A. My recollection is that it was down in
15 this area but --

16 MS. CASANO: The witness has indicated
17 on Exhibit 3 an area with three green lines.

18 Q. Why don't you circle that in red,
19 please, Mr. Tyler.

20 Did you ever see dumping occurring
21 along the edges of the excavated area, as I will

1 call it?

2 A. I just really don't recall.

3 Q. Okay. Do you recall ever seeing
4 dumping over in the area near the two, let's say
5 northeasternmost tennis courts?

6 A. Not that I recall.

7 Q. Okay. Thank you.

8 MR. GUTTER: Can I inquire how the
9 sheet that the witness just marked is going to be
10 preserved as an exhibit?

11 MS. CASANO: As-is, essentially. I
12 have got additional overlays on that exhibit for
13 use with other witnesses, if we want to use it,
14 so that it will be kept in my office at the
15 Justice Department. I am not real sure what you
16 are getting at.

17 MR. GUTTER: Has that overlay been
18 marked as an exhibit?

19 MS. CASANO: Yes, it has been marked
20 as Exhibit 7-A.

21 MR. GUTTER: Thank you.

1 MS. CASANO: 7 is a letter from the
2 special claims investigator to the City
3 solicitor.

4 MR. LUTZ: The overlay has its own
5 marking on it.

6 MS. CASANO: Right.

7 MR. GUTTER: Thank you.

8 (Whereupon, Tyler Deposition
9 Exhibit No. 8, list entitled Compensation of
10 Officers and Key Personnel, marked.)

11 Q. Mr. Tyler, I have handed you a
12 document that has been marked Tyler Exhibit 8 and
13 I would ask you to review that, please.

14 A. Uh-huh.

15 Q. Have you seen Exhibit 8 before, Mr.
16 Tyler?

17 A. I don't think I have.

18 Q. This is a document that was produced
19 by Browning-Ferris in this litigation and it
20 appears to be a list of officers for Robb Tyler,
21 Incorporated as of May 20, 1970. I would like to

1 go down the list of names with you and ask you a
2 few questions about the individuals whose names
3 appear on the list.

4 Robb Tyler, president, that was your
5 father; is that correct?

6 A. That is correct.

7 Q. Actually, perhaps instead of going
8 through this name by name, I would ask you to
9 look down the list and tell me which of the
10 persons on this list you know to still be alive.

11 A. Robb Tyler, Alfred Tyler, I assume Ira
12 Keen, I assume James Bennett but I don't know, I
13 assume Don Brooks but I don't know. I can't say
14 for sure about any of them that I, you know, that
15 I am absolutely positive.

16 Q. That is true for all those names from
17 Gary Grace down?

18 A. Right. I haven't heard that they died
19 but --

20 Q. Right. The only persons on this list,
21 then, whom you know to be deceased are Elizabeth

1 Tyler and Francis Marbury?

2 A. That is correct.

3 Q. Aside from yourself and your father,
4 of the remaining persons whose names appear on
5 this list, which of them would be likely to know
6 who Robb Tyler's customers were during the 1960s?

7 A. Probably either Jim Bennett or Lou ~~Contact?~~
8 Warns.

9 Q. Would either or both of those
10 gentlemen know which drivers serviced which
11 customers during the 1960s?

12 A. I could not testify to what they would
13 know.

14 Q. Do you know whether the persons who
15 are listed on Exhibit 8 held the positions that
16 are indicated on Exhibit 8 during the 1960s?

17 A. Try that again.

18 Q. Okay. Exhibit 8, by each person's
19 name there is a, well, with the exception of
20 Donald Brooks, by each person's name there is a
21 title. Do you know whether these persons held

1 these positions during the 1960s?

2 A. Robb Tyler, yes. Elizabeth Tyler. I
3 was, I am not sure when I would have been over in
4 landfill operations, we had another man there in
5 the '60s, I can't remember when he left, and
6 then -- Paul Galarineau, and then when he left I
7 kind of assumed that role.

8 Q. Was Mr. Bennett the route supervisor
9 during the 1960s?

10 A. I don't remember his hire date.

11 Q. Okay. Do you know if Mr. Warns was a
12 dispatcher during the 1960s?

13 A. Yes. He was a long-time employee.

14 Q. Do you know whether Mr. Miles was the
15 accountant during the 1960s?

16 A. I don't remember his hire date
17 either.

18 Q. Do you recall who solicited business
19 on behalf of Robb Tyler during the 1960s?

20 A. Francis Marbury.

21 Q. Anyone else?

1 A. He had some salesmen working for him,
2 a Walter Hewitt, Lee Rosa.

3 Q. Do you know whether either of those
4 gentlemen are still alive?

5 A. I know Walter Hewitt is not.

6 Q. Lee Rosa may be but you don't know?

7 A. Right.

8 Q. And I take it, based upon your earlier
9 testimony, that it would have been Mr. Warns or
10 someone else who was the dispatcher who told
11 drivers at least part of the time where to take
12 the loads; is that correct?

13 A. That is correct.

14 Q. Directing your attention to Exhibit 2
15 beginning on page 54, line 21, and I am going to
16 read over to page 58, line 8. You were asked:

17 "Q. Do you remember any generators that
18 specialized in getting rid of drums in their
19 entirety, offloading drums in Sauer's landfill?

20 "A. The only one that I would possibly
21 think of would have been General Motors.

1 "Q. Do you remember those drums at both
2 the Rosedale and the Sauer landfill?

3 "A. Yes.

4 "Q. What is the basis of your familiarity
5 with respect to General Motors' drums at the
6 Sauer landfill?

7 "A. They hauled their own. There was --
8 they had one truck, and a guy known as Ray, and
9 he was known as Chevrolet Ray. So it sticks in
10 one's mind. That is basically why I remember
11 it.

12 "Q. Do you remember Chevrolet Ray taking
13 loads to Sauer's dump as opposed to Rosedale?

14 "A. I would assume that's where he went.
15 I'm not going to say I remember seeing him
16 there. And since he wasn't under my control in
17 any way, I couldn't really tell you yes or no. I
18 would assume that's where he went, unless he went
19 across town to the Patapsco Avenue or Reedbird
20 fill, and I just don't remember that. I'm not
21 sure.

1 "Q. Do you know if he hauled drums to
2 Pulaski Highway landfill as well?

3 "A. Yes.

4 "Q. Did you ever see him doing that?

5 "A. Once again, I'm assuming I did, but I
6 could never give you a time, date or anything
7 else. I just --

8 "Q. Did you ever see --

9 "A. I remember him from -- I might be
10 getting that confused with Norris Farms. Dumps
11 have a way of looking alike after a while.

12 "Q. Do you have any specific recollection
13 of seeing him dump drums at Sauer's?

14 "A. That's what I just said. No, I
15 can't -- I would assume it, but --

16 "Q. We spoke to some drivers, and I have
17 the transcript if we want to look it up, but they
18 said they saw him dumping those drums at Sauer's
19 only during the period of two or three months
20 between the one landfill closing and the other
21 one opening.

1 "A. Well, then, they would know.

2 "Q. Do you have any reason to disagree
3 with that?

4 "A. No.

5 "Q. Do you remember what kind of stuff was
6 in those GM drums?

7 "A. I really don't. We had two
8 determinations of waste, solid and liquid.
9 Liquid usually came in a drum.

10 "Q. Did any of -- those same drivers told
11 us that they saw Chevrolet Ray dumping drums at
12 the Pulaski Highway dump for several years and
13 sometimes more than once a day. Do you have any
14 reason to disagree with that?

15 "A. None whatsoever.

16 "Q. Do you remember anything else about
17 Chevrolet Ray? Is it Ray Shelenski, does that
18 ring any bells?

19 "A. Chevrolet Ray.

20 "Mr. Beck: Can you tell us who that
21 is?

1 "Mr. Grummer: I'll be happy to do
2 that. We're in the process of responding to your
3 question.

4 "Q. Do you remember his truck or trucks?

5 "A. I think it was a Chevrolet or GMC.
6 I'm sure it wasn't a Ford."

7 And that is the end of the questioning.

8 Q. Did you ever talk to Chevrolet Ray,
9 Mr. Sauer?

10 A. I am sure. I am not Sauer.

11 Q. I am sorry, Mr. Tyler.

12 I will direct your attention to
13 Exhibit 2, page 89, line 7, and I am going to
14 read over to page 91, line 5.

15 You were asked -- I am sorry, I must
16 have put the wrong page number, I am sorry, I did
17 put the wrong page number, I will have to come
18 back to this later.

19 Do you recall whether Chevrolet Ray
20 told you that he worked for General Motors?

21 MR. GRUMMER: Objection, leading

1 question.

2 Q. You can answer.

3 A. I don't recall.

4 Q. Do you recall whether Chevrolet Ray's
5 truck was labeled in any way?

6 A. I don't recall.

7 Q. Was General Motors a customer of Robb
8 Tyler's during the 1960s?

9 A. I think so.

10 Q. Do you know what facility Robb Tyler
11 would have served?

12 A. Broening Highway.

13 Q. Would that have been the Chevrolet
14 plant?

15 A. Yes.

16 MS. CASANO: Mark this as Exhibit 9,
17 please.

18 (Whereupon, Tyler Deposition
19 Exhibit No. 9, memorandum dated September 22,
20 1969, marked.)

21 Q. Mr. Tyler, I am handing you Tyler

1 Exhibit 9. If you would review that, please.

2 Have you reviewed Exhibit 9, Mr.
3 Tyler?

4 A. I have.

5 Q. The third paragraph of Exhibit 9
6 indicates that Mr. Winslow had an accident while
7 backing a container into place at Fisher Body.
8 Do you know whether Fisher Body was part of
9 General Motors at that time?

10 A. I don't know if it was or it wasn't.

11 Q. Do you know whether the reference to
12 Fisher Body is a reference to the General Motors
13 plant on Broening Highway?

14 A. I think it is.

15 Q. Does Exhibit 9 refresh your
16 recollection that General Motors was a customer
17 of Robb Tyler's at least in 1969?

18 A. I really couldn't say. We could have
19 been putting a container there for a contractor.
20 You know, I am saying I think General Motors was
21 a customer, so --

1 Q. When you say you could have been
2 putting a container there for a contractor, what
3 do you mean by that?

4 A. For a building contractor to haul
5 building debris.

6 Q. Oh, you could have been serving
7 someone who was working for General Motors?

8 A. Exactly.

9 Q. I see. Okay. I forgot to ask you, a
10 few minutes ago I read a portion of the
11 transcript, Exhibit 2, page 54, line 21, to page
12 58, line 8, which was the discussion about
13 Chevrolet Ray. Is there anything about that
14 testimony that you recall differently today or
15 that you would change?

16 A. Yes, I see here that I said I
17 remembered seeing drums at the Sauer landfill,
18 and I think I have to say that that, I just don't
19 recollect.

20 Q. Okay. And that is that you don't
21 recollect as of today?

1 A. Right. And I think I was confused at
2 that time. I mean, I, you know, having seen
3 Chevrolet Ray at several landfills, so --

4 Q. Okay. Did you personally ever haul
5 any waste from General Motors --

6 A. No, I did not.

7 Q. Do you recall which Robb Tyler drivers
8 would have hauled waste from General Motors?

9 A. No, I do not.

10 Q. Did you ever talk to anyone from
11 General Motors in conjunction with or about
12 hauling waste from General Motors?

13 A. More than likely, yes.

14 Q. Would you remember the name of anyone
15 with whom you would have spoken at General
16 Motors?

17 A. No, I don't.

18 Q. Do you know what kinds of wastes Robb
19 Tyler drivers would have hauled or did haul from
20 General Motors?

21 A. General trash. I think it would have

1 probably been some liquid waste also.

2 Q. At one point in the testimony that I
3 read to you, I am sorry, at page 57 of Exhibit 2,
4 lines 9 through 10, you indicated that "we had
5 two determinations of waste, solid and liquid."

6 Back during the 1960s did you make any
7 distinction between wastes that were hazardous
8 and wastes that weren't hazardous or dangerous?

9 A. I don't really recall that being a
10 definition of waste at that time.

11 Q. Okay. I take it, then, that you don't
12 recall whether any customer ever made a
13 distinction between something that was dangerous
14 and something that was not dangerous?

15 A. Not that I recall.

16 Q. All right.

17 MR. BRAGER: Pat, just to clarify this
18 more, you are not talking about dangerous as in
19 flammable or explosive, you are talking about --

20 MS. CASANO: Actually, I am just
21 speaking of dangerous generally, for any reason,

1 whether anyone made a distinction between a
2 hazardous or dangerous waste and something, and
3 things that were not hazardous or dangerous.

4 A. I don't recall it being, you know.

5 Q. Okay. Do you know whether Robb Tyler
6 drivers hauled wastes from General Motors to the
7 Sauer landfill during the time after Rosedale
8 closed and before Norris Farm opened?

9 A. Not specifically, no.

10 Q. Do you know whether there was any
11 landfill closer to the General Motors plant than
12 the Sauer landfill during that period?

13 A. Not that I recall.

14 Q. Okay. Do you know whether Mr.
15 Cefaloni ever hauled waste from General Motors
16 for Robb Tyler?

17 A. Not specifically, no.

18 Q. Do you know whether anyone else
19 employed by Fritz Sauer hauled waste from General
20 Motors for Robb Tyler?

21 A. Not specifically, no.

1 Q. Directing your attention to Exhibit 2,
2 page 65, beginning on line 21, and I am going to
3 read over to page 72, line 2. Actually, I am
4 starting on line 20 of page 65.

5 "Q. We have talked about one big company
6 here, GM. Was Western Electric a customer of
7 yours?

8 "A. Yes, they were.

9 "Q. Can you recall when they were a
10 customer or can you recall any changes?

11 "A. I don't remember any dates. I
12 remember we took it over and changed the
13 collection system because we dedicated one truck ^{Western}
14 to Western Electric. ~~Electric~~

15 "Q. Can you recall anything about when
16 that change took place?

17 "A. I don't remember the dates, no.

18 "Q. Do you know if it was before or after
19 Pulaski Highway landfill closed?

20 "A. I think it was before, but, you know.

21 "Q. Who did you take that business over

1 from?

2 "A. From Sauer's, I think, had most of it
3 or had an open truck that ran in there.

4 "Q. And before you took it over, was
5 Western Electric a direct customer of Sauer's?

6 "A. Yes, they were.

7 "Q. In the sense that he understood
8 Sauer's to be his waste hauling contractor?

9 "A. I would guess. I never asked him. .

10 "Q. What you are describing is some change
11 you did when you took that over, you mentioned a
12 dedicated container, can you explain that to me?

13 "A. A dedicated truck and a dedicated
14 employee.

15 "Q. Meaning that they hauled exclusively
16 from Western Electric?

17 "A. Exactly. You had certain stops within
18 the plant every day. It was, you know, a regular
19 route and they had enough waste, you know, to
20 utilize one truck.

21 "Q. Do you remember who that employee was?

1 "A. Yes.

2 "Q. Who was that?

3 "A. Shipley.

4 "Q. Shipley. Is he still alive?

5 "A. I have absolutely no idea. But I
6 don't think he is. I think in part of this
7 ongoing Lombard saga, I think somebody told me he
8 died.

9 "Q. During the period between the two
10 landfills being -- during the period after
11 Pulaski Highway closed and before Norris Farm
12 opened, do you know where Western Electric waste
13 would have gone during that period?

14 "A. I would assume it would have gone to
15 the Sauer's dump.

16 "Q. Do you know whether Robb Tyler or
17 Sauer's had the Western Electric account at that
18 time, which one?

19 "A. I think Robb Tyler did. I think it
20 was probably a year or two -- I think that truck
21 was a '68. So I think, yes, it would have been

1 before.

2 "Q. What would have been before?

3 "A. Robb Tyler, Inc. would have taken over
4 the Western Electric contract.

5 "Q. That would have happened before the
6 period of the landfill opening and closing?

7 "A. Yes.

8 "Q. What kind of truck was that?

9 "A. International 2-R Leech.

10 "Q. Do you remember anything about the
11 Western Electric waste?

12 "A. A lot of wire.

13 "Q. Do you remember anything else? Copper
14 wire?

15 "A. Waste wire.

16 "Q. Do you recall any liquids?

17 "A. They did have liquids, too.

18 "Q. Do you remember drums from Western
19 Electric?

20 "A. It would have been in drums.

21 "Q. Do you specifically recall drums?

1 "A. I think we had a container that hauled
2 drums.

3 "Q. From Western Electric, you mean?

4 "A. Yes. We had a lot of containers and
5 there wasn't a whole lot of differentiation as
6 far as, you know, solid or liquid.

7 "Q. You said that you assumed that Western
8 Electric waste went to Sauer during the period
9 when one dump closed before the other opened.
10 Did you ever see that yourself?

11 "A. I don't remember.

12 "Q. A moment ago you were talking about
13 drums. Do you recall drums from Western Electric
14 being in a container from Western Electric?

15 "A. I think I do, yes. Once again, we're
16 talking a long time ago and, you know, quite a
17 bit of time in the waste business. Trying to
18 pinpoint dates is little hard for me.

19 "Q. Was it typical for companies to put
20 drums in larger disposal containers?

21 "A. That was one method of handling them,

1 yes.

2 "Q. Would companies put drums of liquid in
3 larger disposal containers?

4 "A. Yes.

5 "Q. If they did that, I take it, they
6 would be disposed of along with any other trash?

7 "A. That's correct. And sometimes a drum
8 would be in a load of trash or two drums of trash
9 over top of them that you wouldn't know until it
10 was on the landfill.

11 "Q. In the late '60s after open burning
12 was prohibited, is it fair to say that company
13 disposal of liquids in trash was pretty much the
14 preferred method of disposal as far as the
15 regulators were concerned?

16 "A. Yes.

17 "Q. Is that so they could be sopped up or
18 soaked up into the trash rather than going
19 anywhere?

20 "A. Exactly.

21 "Q. They still do that with special waste,

1 don't they, or today, or do you know?

2 "A. Sure. The only difference is that
3 today the landfill would probably be lined.

4 "Q. Were there any liquids that were so
5 combustible that you couldn't integrate them into
6 the trash and had to be handled separately?

7 "A. Later, after this period, yes, but I
8 think back then there wasn't a whole lot of
9 segregation."

10 I am sorry, that is the end of the
11 quotation.

12 Mr. Tyler, is there anything about the
13 testimony that I just read that you would change
14 or recall differently today?

15 A. I don't guess so.

16 Q. Do you recall to which landfill waste
17 from Western Electric was taken?

18 A. Specifically, no.

19 Q. Okay.

20 MS. CASANO: Let's mark this as
21 Exhibit 10, please. I had marked this before for

1 use at the Jendras deposition, but I didn't use
2 it. Rather than make new copies, I just
3 scratched out that notation assuming that
4 everybody will get a clean copy when the official
5 exhibits are copied.

6 (Whereupon, Tyler Deposition
7 Exhibit No. 10, letter from Francis Marbury to
8 Western Electric Company dated June 21, 1962,
9 marked.)

10 Q. Mr. Tyler, I have handed you what has
11 been marked as Tyler Exhibit 10. Have you had a
12 chance to review that?

13 A. Yes, I have.

14 Q. Have you seen Exhibit 10 before?

15 A. No, I haven't.

16 Q. Exhibit 10 is a copy of a letter from
17 Francis Marbury to Western Electric Company. It
18 was produced by Browning-Ferris in this
19 litigation. Exhibit 10 is dated June 21, 1962.

20 Do you recall whether Mr. Marbury was
21 sales manager for Robb Tyler in 1962?

1 A. I was still in school.

2 Q. Was Mr. Marbury a long-time employee
3 of Robb Tyler when you joined Robb Tyler?

4 A. Yes, he was.

5 Q. Okay. Directing your attention to the
6 first paragraph of Exhibit 2, and recognizing
7 that you weren't an employee of Robb Tyler at the
8 time, do you have any idea what situation with
9 regard to Baltimore County authorities that
10 paragraph is referring to?

11 A. No.

12 MR. LUTZ: Objection.

13 A. I do not.

14 Q. Okay, directing your attention to the
15 second paragraph of Exhibit 10, which says:
16 "However, we are making every effort to have the
17 present ordinance governing our landfill
18 operations changed so that our proposed method of
19 operation will be both legal and sufficiently
20 economical," do you have any idea what ordinance
21 that paragraph refers to?

1 A. No, I do not.

2 Q. Does Exhibit 10 refresh your
3 recollection as to whether Western Electric was a
4 customer of Robb Tyler when you became employed
5 by Robb Tyler?

6 A. No.

7 MR. GUTTER: Objection. The witness
8 testified he became employed by Robb Tyler three
9 years after this letter was written and he had
10 never seen the letter before.

11 Q. Do you have any reason to believe that
12 Western Electric, having reviewed Exhibit 10, do
13 you have any reason to believe that Western
14 Electric was not a customer of Robb Tyler in
15 1962?

16 MR. GUTTER: Same objection.

17 A. It appears that they were.

18 Q. Okay. Do you recall the names of any
19 of the Robb Tyler drivers who would have hauled
20 waste from Western Electric?

21 A. Not offhand, no.

1 Q. Do you know whether any of Fritz
2 Sauer's employees hauled waste from Western
3 Electric?

4 A. I don't remember who they were.

5 Q. Did you ever see any waste from
6 Western Electric at Sauer's landfill when you
7 were there?

8 A. I just don't recall it being a,
9 something I would specifically notice.

10 Q. Directing your attention to Exhibit 2,
11 page 79, beginning with line 1, I am going to
12 read over to page 83, line 11. You were asked:

13 "Q. Was Baltimore Gas & Electric one of
14 Robb Tyler's customers?

15 "A. Yes.

16 "Q. Can you tell me for what period?

17 "A. No.

18 "Q. Were they, when you started working
19 there?

20 "A. I guess, you know, they had a lot of
21 different accounts with Baltimore Gas & Electric

*Balto.
Gas & Elec*

1 and it was bid on a fairly regular basis. And I
2 know that Robb Tyler, Inc. had the bid and, on
3 several occasions, and lost it on some occasions
4 and maybe lost some of it but not all of it. You
5 could probably find that through BG&E's records.

6 "Q. On this customer list in June of 1970,
7 I see ten entries for Baltimore Gas & Electric.
8 I'd be happy to show this to you if it would
9 help. Can you tell me what the ten different
10 entries mean?

11 "A. Ten different stops.

12 "Q. Can you remember anything about the
13 waste that came from Baltimore Gas & Electric to
14 the Pulaski Highway landfill?

15 "A. It would have been general trash, is
16 usually what they had.

17 "Q. Can you recall anything else
18 specifically?

19 "A. I assume you are talking about fly
20 ash, but we did not have that contract. We did
21 accept it and use it for cover.

1 "Q. Who had that contract?

2 "A. At that time, I think it was Parker.

3 "Q. At that time, are you thinking of the
4 '60s?

5 "A. In the '60s, it was either Martin
6 White or Parker, and I can't recall. I think it
7 was probably both.

8 "Q. When you said you would accept it, the
9 fly ash, even though you didn't have the
10 contract, you mean accept it at the Pulaski
11 landfill?

12 "A. I'm not sure that much of it went to
13 Pulaski. Most of it went to the other side of
14 town to Patapsco.

15 "Q. Was fly ash something you wanted to
16 accept as opposed to regular trash?

17 "A. We used it as cover material.

18 "Q. It was something good as opposed to
19 nothing?

20 "A. We would accept dirt for nothing.

21 "Q. And would accept fly ash?

1 "A. Yes.

2 "Q. Do you recall requesting fly ash and
3 requesting that some of it be brought to some of
4 the dumps?

5 "A. Could have. I know we wouldn't have
6 paid for it, but we maybe would have redirected
7 it.

8 "Q. You didn't pay for it?

9 "A. (Shaking head indicating no.)

10 "Q. No, I need to make a record.

11 "A. Never.

12 "Q. Did they seem to be pretty happy to
13 get rid of it?

14 "Ms. Morris: Objection.

15 "Q. They, referring to BG&E, was it
16 something they were trying to dispose of in some
17 way?

18 "A. Yes.

19 "Q. Did it ever come to the Pulaski
20 Highway landfill, fly ash?

21 "A. I would assume maybe some did,

1 although I just don't remember. I don't think
2 we -- the cover material at Pulaski was a lot of
3 the Baltimore City incinerator ash. Now, whether
4 or not we had fly ash there or not, I just don't
5 remember, but I think we may well have.

6 "Q. Did you charge for the incinerator
7 ash?

8 "A. No.

9 "Q. So it was also something that you
10 wanted to use for a cover?

11 "A. (Nodding head indicating yes.)

12 "Q. Even though you didn't pay for the
13 ashes, fly ash or incinerator ash, if it wasn't
14 ash, but was rather a load of regular trash,
15 would there have been a charge for using the
16 dump?

17 "A. Yes.

18 "Q. Where was the Baltimore City
19 incinerator located?

20 "A. Right on Pulaski Highway.

21 "Q. Very close to Rosedale?

1 "A. Very close.

2 "Q. Do you know if fly ash from BG&E ever
3 went to Sauer's?

4 "A. I just don't remember. It well could
5 have."

6 Mr. Tyler, is there anything about the
7 testimony I just read that you would change or
8 that you recall differently today?

9 A. I don't think so.

10 Q. Okay. I am reminded, I forgot to ask
11 you, did you personally ever haul any waste from
12 Western Electric when you were working for Robb
13 Tyler?

14 A. No, I did not.

15 Q. Directing your attention to page 85 of
16 Exhibit 2, beginning on line 10, I am going to
17 read over to page 87, line 13. You were asked:

18 "Q. Do you recall that the Sauer dump,
19 from your visits, whether it used dirt or fly ash
20 for cover?

21 "A. Mostly dirt. He had dirt there and he

1 brought in a lot of dirt. There was a lot of
2 construction stuff that would come in there, too.

3 "Q. Do you recall any occasion when Fritz
4 Sauer or somebody on his behalf from that dump
5 would have requested that ash, either City
6 incinerator ash or fly ash, that ordinarily went
7 to the Robb Tyler landfills be diverted or
8 brought to the Sauer dump to fulfill a particular
9 need?

10 "A. He could have if he had a fire. Fly
11 ash was good for fighting fires.

12 "Q. Was the City incinerator ash good for
13 that also?

14 "A. No, it caused fires.

15 "Q. Back in the late '60s did Baltimore
16 just have the one electric utility, BG&E?

17 "A. (Nodding head indicating yes.)

18 "Q. As opposed to a municipal utility or
19 any other private utility?

20 "A. It's the only one I ever dealt with,
21 was Baltimore Gas & Electric.

1 "Q. Do you know if there were any other
2 companies in Baltimore whose operations produced
3 this fly ash byproduct?

4 "A. Probably were, but I don't know --
5 some smaller power plants.

6 "Q. How about Bethlehem Steel?

7 "A. Bethlehem Steel really handled all
8 their own waste in those days.

9 "Q. You mean in terms of transport?

10 "A. In terms of disposal and transport.

11 "Q. Do you recall BG&E disposing of
12 transformers?

13 "A. Not offhand, no. It would not have
14 been a momentous event in my life if I had seen
15 them.

16 "Q. So you don't recall one way or the
17 other?

18 "A. No.

19 "Q. Do you recall anything about disposal,
20 of BG&E disposing transformers at Sauer's?

21 "A. Like I said, it would not have been a

1 big issue one way or the other."

2 And that is the end of the excerpt.

3 Mr. Tyler, is there anything about the
4 testimony that I just read that you recall
5 differently or that you would change today?

6 A. No, I don't think so.

7 Q. Did you personally ever haul any waste
8 from Baltimore Gas & Electric?

9 A. No.

10 Q. Mr. Tyler, do you know a gentleman by
11 the name of Albert Landay?

12 A. I have met him, yes.

13 Q. In what context have you met him?

14 A. I really don't recall. I knew he was
15 the landlord over at the Sauer.

16 Q. He, Landay, was the landlord at
17 Sauer's landfill?

18 A. Yes.

19 Q. Did you ever see Mr. Landay at Sauer's
20 dump?

21 A. I just don't recall. He had some

1 other properties in the area, so --

2 Q. Do you know a gentleman by the name of
3 Edward Azrael?

4 A. I think I have met him, yes.

5 Q. Do you know, or how did you meet him?

6 A. I think just through this, recently.

7 Q. Very recently?

8 A. Within the last three or four years.

9 Q. Did you have a specific conversation,
10 did you have a conversation with Mr. Azrael about
11 Sauer's landfill?

12 A. You know, I really don't even recall
13 that. He was being represented by an attorney
14 that was representing me at the time.

15 Q. Was that in conjunction with a
16 lawsuit?

17 A. It was in conjunction with this.

18 Q. When you met with Mr. Azrael, I take
19 it that you met with him personally as opposed to
20 talking to him on the phone?

21 A. I think so, yes.

1 Q. Do you recall, when you met with Mr.
2 Azrael, whether attorneys were present?

3 A. I don't recall. I assume so because I
4 didn't know him, so --

5 Q. Do you recall whether you met him on
6 just one occasion or more than one occasion?

7 A. I just don't recall.

8 Q. Do you recall anything about the
9 specifics of the conversation at all?

10 A. No, I do not.

11 Q. Do you know, did you know a woman by
12 the name of Cele Landay?

13 A. No.

14 Q. Do you know a woman by the name of
15 Harriet Azrael?

16 A. No, I don't.

17 Q. Are you familiar with work that has
18 been done and is being done at Sauer's landfill
19 by the State of Maryland and the Environmental
20 Protection Agency?

21 A. Indirectly, yes.

1 Q. Have you ever discussed that work with
2 anyone?

3 A. I think you have to be more specific.

4 Q. Have you ever spoken to anyone about
5 what I will call cleanup work that has been going
6 on for several years at Sauer's landfill?

7 A. I think I have probably talked about
8 it with some people.

9 Q. Can you recall specifically whom you
10 spoke with? Aside from your attorney, of course,
11 and the attorneys to whom you spoke during the
12 interview last year.

13 A. Not that I recall.

14 Q. Do you recall ever talking to anyone
15 about drums that were removed from what I will
16 call, I will call it the Sauer landfill but
17 others would refer to it as the Kane and Lombard
18 site?

19 A. I think it was the EPA, when they
20 first came to question me, they asked me about
21 it.

1 Q. Other than that, do you recall any
2 conversations about drums and Sauer's landfill?

3 A. Not that I recall, no.

4 Q. Have you ever had any conversations
5 with Fritz Sauer about his landfill?

6 A. I think I did.

7 Q. Do you recall what those conversations
8 would have been about?

9 A. I think after the EPA had contacted
10 me, I called Fritz to see what they were talking
11 about because I was not, you know, the whole area
12 changed and I wasn't at all familiar with what,
13 you know, with the way it was then, and then we
14 looked at the site.

15 Q. Did you actually visit the site with
16 Mr. Sauer?

17 A. We did, and it was four years ago.

18 Q. Do you recall any of the specifics of
19 that conversation?

20 A. No, I don't.

21 Q. Do you recall whether Mr. Sauer said

1 anything about whether he was responsible for
2 cleaning up the landfill?

3 A. Not that I recall, no.

4 Q. Mr. Tyler, can you tell me what the
5 state of your father's health is, both physically
6 and mentally.

7 MR. LUTZ: Objection.

8 Q. You can answer.

9 A. He will be 83 very shortly. He has
10 had several coronary affairs and so sometimes he
11 is in very good health and other times not so
12 good.

13 Q. Do you know whether he has any present
14 recollection of his dealings with Fritz Sauer
15 during the 1960s?

16 A. I really couldn't answer that.

17 Q. Do you know whether there is anyone
18 else still alive who would have knowledge
19 comparable to your father's concerning your
20 father's relationship with Fritz Sauer?

21 MR. LUTZ: Objection. You can

1 answer.

2 A. I do not know.

3 Q. Do you think that your father would be
4 able to withstand a deposition, or do you think
5 that that would place too severe a strain upon
6 him?

7 A. I think it would put a strain on him.

8 Q. Have you had any conversations with
9 your father within the last four years concerning
10 dumping at Sauer's landfill?

11 A. Probably.

12 Q. Do you recall the specifics of any of
13 those conversations?

14 A. No, I don't.

15 MS. CASANO: If we could take a
16 two-minute break and I will caucus with Andy and
17 I think I am just about finished.

18 (Recess taken.)

19 (Whereupon, Tyler Deposition
20 Exhibit No. 11, list of dumping prices for Norris
21 Farm and Quarantine Road landfills, marked.)

1 Q. Mr. Tyler, I have handed you what has
2 been marked Tyler Exhibit 11. Would you review
3 that, please.

4 A. Uh-huh.

5 Q. Have you had a chance to review
6 Exhibit 11?

7 A. Okay.

8 Q. Have you seen Exhibit 11 before, Mr.
9 Tyler?

10 A. Not that I specifically recall, no.

11 Q. Exhibit 11 is a copy of a document
12 that was produced by Browning-Ferris in this
13 litigation. It appears to be a list of dumping
14 prices for Norris Farm and Quarantine Road
15 landfills. Down at the bottom there is a
16 notation that the prices are effective October 1,
17 1969. Any questions, please contact Mr. Robb
18 Tyler.

19 Do you have any reason to believe that
20 Exhibit 11 was not a price list for Norris Farm
21 and Quarantine Road as of October 1, 1969?

1 MR. LUTZ: Objection, you can answer.

2 A. I just don't recall.

3 Q. Okay. The third line on Exhibit 11
4 states, "oil, 4 cents per gallon, less discount
5 25 percent Modern's price, 3 cents per gallon,
6 dumping by prearrangements only."

7 Do you know whether Robb Tyler drivers
8 routinely or regularly transported oil, waste
9 oils, for Tyler's customers?

10 A. I would assume we did, yes.

11 Q. Do you know whether any Tyler drivers
12 ever took oil to Sauer's landfill?

13 A. I don't specifically recall other than
14 maybe for some to put on the roads to keep the
15 dust in.

16 Q. How about during the window period,
17 the period after Rosedale closed --

18 A. I don't recall, and like I say, my
19 only thought would be on roads.

20 Q. Okay. Do you know what the
21 phrase, "less discount 25 percent Modern's price,

1 3 cent per gallon" means?

2 A. I think it means that Modern had,
3 Modern Trashmoval had a discount.

4 Q. You are familiar with Modern
5 Trashmoval, I take it?

6 A. Yes, I am.

7 Q. Was that company known by any other
8 name?

9 A. Modern.

10 Q. Modern. Is Modern Trashmoval the same
11 company as Modern, Inc., Modern, Incorporated?

12 A. Not exactly the same company, no.

13 Q. Could you explain what the
14 relationship was between Modern Trashmoval and --

15 A. What period of time are you referring
16 to? Can you be a little more specific and I will
17 try and answer your question.

18 Q. How are you familiar with Modern
19 Trashmoval?

20 A. Modern Trashmoval was a competitor of
21 Robb Tyler, Inc.

1 Q. Did you ever work for Modern
2 Trashmoval?

3 A. I never worked for Modern Trashmoval,
4 no.

5 Q. Was there any kind of a relationship
6 at any time between Modern Trashmoval and Robb
7 Tyler, Inc.?

8 A. No.

9 Q. Did you ever own an interest in Modern
10 Trashmoval?

11 A. No, I did not.

12 Q. At some point in time did Modern
13 Trashmoval become Modern, Inc.?

14 A. Yes, it did.

15 Q. Do you recall when that occurred?

16 A. About ten years ago, in the early
17 '80s.

18 Q. Do you recall what specifically
19 happened then? Did someone acquire Modern
20 Trashmoval, was it reincorporated? How did
21 Modern Trashmoval become Modern, Inc.?

1 A. Modern, Inc. took over the assets of
2 Modern Trashmoval.

3 Q. Do you know who the owners of Modern,
4 Inc. were?

5 A. Yes, I do.

6 Q. And who were they?

7 A. The owner of Modern, Inc. was Land
8 Reclamation, Inc.

9 Q. And who owned Land Reclamation, Inc.?

10 A. I did.

11 Q. Before Land Reclamation, Inc. acquired
12 Modern Trash, was there any relationship between
13 those two companies?

14 MR. RYAN: I object to that. I think
15 he said that they acquired Modern Trashmoval's
16 assets.

17 MS. CASANO: I stand corrected.

18 Q. Before Land Reclamation, Inc. acquired
19 Modern Trashmoval's assets, was there any
20 relationship between those two companies?

21 A. Which two companies?

1 Q. Land Reclamation, Inc. and Modern
2 Trashmoval.

3 A. No.

4 Q. Okay. Do you know whether Modern
5 Trashmoval, whether any drivers employed by
6 Modern Trashmoval hauled waste to Sauer's
7 landfill?

8 A. I think they did, but I just don't
9 know.

10 Q. Are you familiar with a company called
11 Francis Bohager & Sons, or Frank Bohager & Sons?

12 A. Yes, I am.

13 Q. How are you familiar with that
14 company?

15 A. They were a competitor company.

16 Q. Do you know whether any drivers
17 employed by Bohager hauled waste to Sauer's
18 landfill?

19 A. Not specifically, no.

20 Q. During the 1960s, did Robb Tyler own
21 its own containers which it left at customers'

1 facilities?

2 A. Yes, it did.

3 Q. Were those containers a particular
4 color or colors?

5 A. Usually green.

6 Q. Were they, those containers, labeled
7 in any way?

8 A. Sometimes.

9 Q. Were the containers, during the 1960s
10 were the containers owned by Tyler ever any other
11 color other than green?

12 A. Rust.

13 Q. Did Robb Tyler sell containers to
14 customers?

15 A. I don't specifically recall but we
16 well could have.

17 Q. During the 1960s were Robb Tyler's
18 trucks a particular color?

19 A. Green, white. Green and white.

20 Q. Any other color?

21 A. Not that I recall.

1 Q. Okay. Do you know whether Fritz Sauer
2 or North Point Trash Removal owned any containers
3 during the 1960s? I mean containers that were
4 left at customers' premises.

5 A. I think he did, yes.

6 Q. Do you know what color those were?

7 A. I don't recall.

8 Q. At the time that BFI acquired Robb
9 Tyler, I think I read a portion of your
10 transcript which indicated that all of Robb
11 Tyler's records were turned over to BFI; is that
12 correct?

13 A. That is correct.

14 Q. Do you know whether your father has
15 any records relating to Robb Tyler, Incorporated?

16 A. He does not, no.

17 MS. CASANO: Let's mark this as
18 Exhibit 12, please. This is an accounts
19 receivable list, it is about 103 pages long so I
20 did not bring extra copies with me. Does anybody
21 want to take a look at it before --

1 MR. GUTTER: Depends on the purpose
2 for which you are going to use it.

3 MS. CASANO: This is a copy of a
4 document that was produced by Browning-Ferris,
5 the Bates stamp numbers are B0060179 through --

6 MR. LUTZ: Could you read that again.

7 MS. CASANO: B0060179 through
8 B0060281.

9 (Whereupon, Tyler Deposition
10 Exhibit No. 12, accounts receivable list,
11 marked.)

12 Q. Mr. Tyler, I am handing you what has
13 been marked as Tyler Exhibit 12, and I would ask
14 you to look at the first page for the moment.

15 A. I have looked at it.

16 Q. Have you seen Exhibit 12 before, Mr.
17 Tyler?

18 A. I am not sure. I assume so, at some
19 point. Is this the same one that was given to me
20 at another --

21 Q. You may have been shown this when you

1 were interviewed last year. There is a reference
2 in the transcript to a customer list. I am not
3 sure if it is the same one, but I think it is.

4 A. Yes, I am not --

5 Q. Okay, Exhibit 12 is a document that
6 was produced by Browning-Ferris in this
7 litigation. It appears to be a list of Robb
8 Tyler's accounts receivable as of March 31,
9 1970.

10 If you would turn to the second page
11 of Exhibit 12 -- actually before we do that, let
12 me ask you, were you actively involved in
13 negotiations concerning BFI's acquisition of Robb
14 Tyler?

15 A. No, I wasn't.

16 Q. Did you own stock in Robb Tyler at the
17 time of that?

18 A. No, I did not.

19 Q. Was your father the only stockholder
20 in Robb Tyler at the time BFI acquired it?

21 A. I think my mother was also.

1 Q. Okay. Do you know whether they both
2 sold their stock to BFI at that time?

3 A. I don't remember the exact details of
4 the deal, so --

5 Q. Okay. Turning to the second page of
6 Exhibit 12, the first column on the left-hand
7 side of the page is titled Customer Number. Do
8 you know whether the customer number has any
9 significance or whether that was just a randomly
10 assigned number? I am interested in knowing
11 whether, by looking at this customer number, you
12 could tell, for example, when someone became a
13 customer of Robb Tyler.

14 A. No, I couldn't.

15 Q. Okay, do you know whether there is
16 anyone who would be able to answer that question?

17 A. No, I don't.

18 Q. Okay. Have you seen documents similar
19 to Exhibit 12 that were generated by Robb Tyler
20 before, and by that I mean have you seen other
21 Robb Tyler lists of accounts receivable?

1 A. When?

2 Q. At any time.

3 A. I assume I have. I can't remember
4 when.

5 Q. If you would turn to page 55 of
6 Exhibit 12, the page numbers are in the top
7 right-hand corner, at the top of the page there
8 are indications as to what the information in
9 each column is, customer number, name, invoice,
10 date, amount, and then the heading for the last
11 column on page 55 is not readable on the copy of
12 Exhibit 12 that was produced.

13 Do you know by any chance what
14 information is contained in that last column?

15 A. No, I do not.

16 Q. Okay. As I indicated before, Exhibit
17 12 appears to be a list of accounts receivable
18 for Robb Tyler as of March 31, 1970. If I were
19 to ask you about specific customers or companies
20 whose names appear on this list, would you be
21 able to tell us whether those customers, those

1 companies were customers in 1969?

2 A. I could only assume.

3 Q. Did Robb Tyler have written contracts
4 with its customers?

5 A. Some.

6 Q. Okay, were contracts with customers
7 typically of a fixed duration?

8 A. There probably weren't a whole lot of
9 actual contracts. Maybe with some of the very
10 large customers they would have either been
11 purchase orders or just the sales order that was
12 written up at the time.

13 Q. Okay, do you think or do you know if
14 there was a written contract or purchase order
15 for General Motors when it was a Tyler customer?

16 A. There was probably a purchase order.

17 Q. Do you know if there was a purchase
18 order for Western Electric when it was a Tyler
19 customer?

20 A. Probably was a purchase order.

21 Q. Do you know if there was a purchase

1 order for Baltimore Gas and Electric when it was
2 a Tyler customer?

3 A. Either that or a contract.

4 Q. If there were a contract or a purchase
5 order, would it have been for a fixed period of
6 time?

7 A. Probably.

8 Q. Was there usually a minimum period of
9 time when you had a purchase order or a contract?

10 A. When I say purchase order, it was not
11 a Robb Tyler purchase order. This would have
12 been a purchase order of the customer.

13 Q. Right.

14 A. And as a rule it would be for the
15 specific, you know, services for a certain amount
16 of time, a year.

17 Q. Was there a minimum period that Robb
18 Tyler required of a customer, for example,
19 would --

20 A. I don't think so.

21 Q. Typically, would most contracts or

1 purchase orders have been for a period of at
2 least a year?

3 A. Typically.

4 Q. Turning to page 19 of Exhibit 12, if
5 you look at the top of the page, the fifth line
6 down, that identifies General Motors Corporation
7 as having an outstanding account as of March 31,
8 1970.

9 Does that refresh your recollection as
10 to whether General Motors was a customer of
11 Tyler's during 1969?

12 A. I assume they were, but I, you know.

13 Q. Turning your attention to page 50 of
14 Exhibit 12, directing your attention to just
15 below the middle of the page, there is a line
16 where the customer number is 74062, and it says
17 Western Electric Company. Do you see that line?

18 A. Yes, I do.

19 Q. Does that refresh your recollection as
20 to Western Electric was a customer of Tyler's in
21 1969?

1 MR. GUTTER: 1969 or 1970?

2 MS. CASANO: '69.

3 A. I think they were, you know.

4 Q. Okay. Would that refresh your
5 recollection as to whether Western Electric was a
6 customer in 1970?

7 A. I would assume they were if this is a
8 list of the customers.

9 Q. Okay, let me ask you the same question
10 with respect to General Motors. To the best of
11 your knowledge, was General Motors a customer of
12 Robb Tyler in 1970?

13 A. If they are listed on here I assume
14 they were.

15 Q. Directing your attention to page 4 of
16 Exhibit 12, down toward the bottom of the page
17 there is a series of listings for Balto. Gas and
18 Electric Company.

19 A. Uh-huh.

20 Q. Does that refresh your recollection as
21 to whether Baltimore Gas and Electric was a

1 customer of Tyler's in 1969?

2 A. I don't know what the period of their
3 contracts were, but I would assume that there
4 were some Baltimore Gas and Electric stops that
5 were.

6 Q. The listings on page 4 of Exhibit 12,
7 do they refresh your recollection as to whether
8 Baltimore Gas and Electric was a customer of Robb
9 Tyler's in 1970?

10 A. Once again, if this is a list of the
11 customers, then I would have to assume they
12 were.

13 MS. CASANO: I have no further
14 questions.

15 It is 20 of 1, do we want to break for
16 lunch? Why don't we resume at 1:30.

17 (Lunch break taken.)

18 MS. CASANO: On the record.

19 EXAMINATION BY MS. MARKS:

20 Q. Good afternoon, Mr. Tyler. My name is
21 Pamela Marks and I represent the State of

1 Maryland, and I have several follow-up questions
2 to ask you.

3 A. Okay.

4 Q. I would like to refer you back to
5 Exhibit 2, from page 54, line 21 through page 58,
6 line 8. Ms. Casano read this section of Exhibit
7 2 to you this morning.

8 I believe you stated this morning that
9 you wanted to change your testimony regarding
10 whether or not you actually saw drums at the
11 landfill, but my question is, is there anything
12 else about the testimony that you would recall
13 differently or change today?

14 MR. GRUMMER: Which testimony are you
15 referring to?

16 MR. LUTZ: Which line?

17 MS. MARKS: We are referring to page
18 54, line 21 through page 58, line 8.

19 A. I don't think so.

20 MR. GRUMMER: Could the previous
21 question please be read back.

1 (The record was read by the reporter.)

2 MS. CASANO: And I believe he answered
3 the question.

4 (The record was read by the reporter.)

5 Q. Okay, this morning, Mr. Tyler, you
6 testified regarding when Robb Tyler took over the
7 Western Electric account and changed the
8 collection system and dedicated one truck to the
9 Western Electric account.

10 MR. GUTTER: Objection. I don't
11 believe he testified about that this morning.

12 MS. MARKS: I believe that was in the
13 section that was read on Western Electric and Mr.
14 Tyler affirmed that he would testify the same
15 today.

16 Q. My question is, do you remember what
17 the prior collection system had been at Western
18 Electric, the one you changed from?

19 A. I think, as I said, I think it was
20 Sauer's had the account.

21 Q. Do you know what type, you referred to

1 a change, though, in your deposition --

2 A. Well, I think he used an open truck
3 and just went in and picked up trash. We put a
4 packer truck in and went -- and probably some
5 sort of container system. So I don't really
6 recall everything about it, but we did dedicate
7 one packer truck.

8 Q. And that was different from the open
9 truck system?

10 A. Yes, it was.

11 Q. When you refer to "he used an open
12 truck," who are you referring to?

13 A. The North Point Trash.

14 Q. Do you know why the Rosedale landfill
15 was closed?

16 A. As I testified, I think it was full.

17 Q. Did you have any idea prior to the
18 closing of the Rosedale landfill that it was
19 likely to close in the near future?

20 A. Yes.

21 Q. About how far in advance did you know

1 it was going to close?

2 A. Well, I have no idea. I mean, the
3 landfill has a life. You estimate it. That is
4 why we instituted the proceedings to open Norris
5 Farm.

6 Q. Did Robb Tyler take any measures to
7 gradually decrease the use of Rosedale in advance
8 of its closing to preserve its life or for any
9 other reason?

10 A. I don't recall. We maybe could have.

11 Q. Mr. Tyler, do you recall what your
12 duties were in approximately '69, '69 and '70?

13 A. Just a little bit of everything,
14 probably.

15 Q. Including what, for example?

16 A. Well, maintenance in the landfills,
17 just general management.

18 Q. What were your duties with respect to
19 the landfills?

20 A. Just to make sure that they were
21 operating in accordance with our rules and

1 regulations that we had, basically cover up at
2 night.

3 Q. Was it part of your duties and
4 responsibilities to go to Sauer's dump on
5 occasion?

6 A. I wouldn't call it duties and
7 responsibilities. If we had trucks dumping there
8 and there was a reason to go there, I would go
9 there. I don't recall it as part of my
10 checklist, no.

11 Q. When you went there from time to time,
12 was it as part of your job?

13 A. I don't think you would ever go there
14 for pleasure.

15 Q. Therefore it was part of your job?

16 A. Yes.

17 MS. CASANO: You weren't part of the
18 beer-drinking group.

19 Q. And do you recall what types of things
20 you did when you went to Sauer's landfill?

21 A. I usually drove there, and drove away,

1 and talked to somebody, you know. I didn't have
2 a specific job where I got out and did anything.

3 Q. Do you recall what you were trying to
4 accomplish when you went there?

5 A. No, I really don't.

6 Q. During the period of time after
7 Rosedale landfill closed and before Norris Farms
8 opened, do you recall any rules that you imposed
9 on Smitty when he was working over at Sauer's
10 landfill?

11 A. I don't recall.

12 Q. Do you recall whether the Robb Tyler
13 trucks disposed of waste in a location different
14 from other trucks and other customers at the
15 Sauer's landfill?

16 A. I don't recall. Maybe we did, but
17 I --

18 Q. Was it your testimony that from time
19 to time you did actually drive a truck and pick
20 up waste from various sites?

21 A. Rarely, but --

1 Q. Under what circumstances would you do
2 that?

3 A. When there was a strike.

4 Q. Is that pretty much the only time?

5 A. Yes.

6 Q. Do you specifically recall any strikes
7 prior to the time that Robb Tyler became part of
8 BFI?

9 A. I remember some strikes.

10 Q. Do you remember --

11 A. It was a way of life.

12 Q. Did it happen frequently?

13 A. Every three years, usually for a short
14 period.

15 Q. When you say a short period --

16 A. Less than a week.

17 Q. Did any of the strikes last longer
18 than a week?

19 A. I think one might have, but --

20 Q. One may have?

21 A. Yes.

1 Q. During the periods of the strikes, who
2 picked up from Robb Tyler's customers?

3 A. Anybody we could get.

4 Q. But was there an attempt to continue
5 the business operation and pick up waste?

6 A. Yes, there was.

7 Q. During periods, during these periods
8 of strikes, do you know where the waste that was
9 picked up was dumped?

10 A. Not specifically, no.

11 Q. During these periods of strikes, do
12 you know whether the dumping at Robb Tyler
13 landfills such as the Rosedale landfill would
14 have decreased?

15 A. Yes, it would.

16 Q. Would drivers who were driving during
17 the strike take their waste elsewhere instead of
18 Rosedale?

19 A. Probably. Since it was all the same
20 union.

21 Q. What was all the --

1 A. It was all the same union. The
2 landfill operators were the same union as the
3 drivers so when there was a strike, the landfill
4 guys would be on strike also.

5 Q. So when the drivers were on strike the
6 landfill was on strike as well?

7 A. Yes.

8 Q. Was Rosedale actually closed to
9 incoming trash, waste?

10 A. No, I think the supervisors would be
11 on it. Anybody who wanted to run the picket line
12 could come in.

13 Q. Was the picket line actually located
14 at the Rosedale landfill?

15 A. Yes.

16 Q. So --

17 A. Any of our locations would have a
18 picket line.

19 Q. So to go into the Rosedale landfill,
20 the driver would actually have to cross the
21 picket line?

1 A. That is correct.

2 Q. And if the drivers went to another
3 landfill to dump, they would be able to avoid the
4 picket line perhaps?

5 A. Perhaps.

6 Q. Would there have been a picket line at
7 Sauer's dump during those periods?

8 A. I don't recall. I don't think so, but
9 maybe somebody would go over there and try and
10 stop them.

11 Q. Would there have been --

12 A. The strikes were not lengthy, so you
13 are asking me about very small part, a long time
14 ago.

15 Q. I understand. I am just asking you to
16 try your best to remember.

17 A. When you have a strike there are a lot
18 of things that are on your mind.

19 Q. Do you have any idea whether the
20 dumping of waste from Robb Tyler customers at
21 Sauer's landfill would have increased during the

1 strikes?

2 A. It is possible. I would assume some
3 customers would haul their own and go wherever
4 they could.

5 Q. Okay. Are you aware of the identity
6 of any customers who would have hauled their own
7 waste?

8 A. I couldn't say that right now, no. I
9 don't recall, no.

10 Q. I believe you testified that at times
11 drivers employed by North Point Trash Removal
12 picked up waste from Robb Tyler customers; is
13 that right?

14 A. That is correct.

15 Q. Do you know whether the Robb Tyler
16 dispatcher communicated with these North Point
17 Trash Removal drivers?

18 A. I am not sure. Either with the
19 drivers or with North Point Trash. I mean, you
20 have to, you would have to tell them where to go,
21 so you either tell North Point Trash, or if the

1 driver happened to come by the office, you might
2 tell him there.

3 Q. So the dispatcher would have told
4 North Point Trash what customer to go to?

5 A. Yes, what customer, and he might have
6 just sent tickets over with the customer's name
7 on it.

8 Q. Would the dispatcher direct the driver
9 where to take the waste?

10 A. As a rule. He would say take it to
11 one of the, whatever dump it was, or work it into
12 what his next stop was going to be. He might
13 haul it from east Baltimore over to west
14 Baltimore because his next stop was over there,
15 and containers were interchangeable.

16 Q. And was it the norm to take it to the
17 closest landfill?

18 A. I said the norm, but not necessarily
19 always the rule.

20 Q. You mentioned tickets several times
21 today. What tickets are you referring to?

1 A. Just pickup tickets. Just little --

2 Q. Could you describe them for me,
3 please.

4 A. Tickets with a carbon. It would have
5 the name of the customer and --

6 Q. What else would the ticket say?

7 A. It would have his address, maybe what
8 kind of container was there.

9 Q. What were these tickets used for?

10 A. They were used to verify a pickup and
11 also for billing.

12 Q. Did a driver always have these tickets
13 when they were going to a Robb Tyler customer to
14 pick up?

15 A. Yes, they would.

16 Q. And --

17 A. At least they should.

18 Q. How would the North Point Trash
19 Removal drivers who were hauling from Robb Tyler
20 customers get these tickets?

21 A. Either pick them up or they would be

1 sent over.

2 Q. But these tickets were provided to
3 those drivers?

4 A. As far as I remember, yes.

5 Q. Did these drivers then have to return
6 the tickets to Robb Tyler?

7 A. Yes. And I guess they would keep a
8 copy so they would know what to bill with.

9 Q. But the billing was through Robb
10 Tyler; isn't that right?

11 A. Yes.

12 Q. Would the tickets say anything about
13 the ultimate destination of the waste?

14 A. Sometimes.

15 Q. Who prepared these tickets?

16 A. I didn't. I would guess either the
17 dispatcher, or maybe if they were preprinted,
18 they were done in the back office.

19 MS. MARKS: Okay, that is all I have,
20 thank you.

21 MS. CASANO: We are going to turn the

1 examination over to the original defendants.

2 Mark, you are going to go first?

3 EXAMINATION BY MR. GRUMMER:

4 Q. Mr. Tyler, my name is Mark Grummer, I
5 represent General Motors and you may recall I was
6 one of the lawyers who spoke to you when you gave
7 your previous statement.

8 In that previous statement we
9 occasionally used the term Pulaski Highway to
10 refer to a landfill. Would that be the same as
11 Rosedale landfill?

12 A. That is correct.

13 Q. In general, can you remember anything
14 about how often Robb Tyler's drivers would pick
15 up at particular stops? Would it be typically
16 once a week, once a month or could it vary?

17 A. It would vary with the amount of
18 trash, the size of the container, the type of
19 service, the weather. Probably a few other
20 things.

21 Q. Would you say for most of your

1 customers the drivers would pick up once a week
2 at least?

3 A. Probably.

4 Q. Would they usually pick up more often
5 than once a week?

6 A. I hate to generalize, I mean, that
7 is --

8 Q. I may, as we go through some further
9 questions, ask you if you can remember with
10 respect to particular companies.

11 Would any of Robb Tyler's customers
12 ever be customers of other hauling services also?

13 A. Coincidentally or --

14 Q. Yes, at the same time.

15 A. It is unusual. I guess it would be
16 possible. I don't recall.

17 Q. Would your answer to that question
18 differ for earlier time periods? Would that have
19 been different in the '60s than in the '70s, for
20 instance?

21 A. I don't think so, no. Possibly.

1 Q. Do you know if there were ever
2 situations where you and Fred Sauer or Robb Tyler
3 and Fred Sauer both were hauling from a
4 particular customer at the same time?

5 A. I don't recall.

6 Q. Is it possible that --

7 A. It is very possible.

8 Q. Would the --

9 MR. KARABA: Excuse me, Mark, could
10 you reread the question.

11 (The record was read by the reporter.)

12 A. I need to clarify. When you say Robb
13 Tyler, you are speaking about Robb Tyler,
14 Incorporated and when you say Fred Sauer, you are
15 referring to North Point Trash?

16 Q. Yes. What I wanted to get at was
17 whether -- I was not referring to a
18 subcontracting situation where one of Fred
19 Sauer's drivers was hauling your, Robb Tyler's,
20 stops. Rather, I was referring to situations
21 where the customer would be paying Fred Sauer and

1 Robb Tyler at the same time. Is that what you
2 said was very possible?

3 A. I think it is possible but once again,
4 I am not sure.

5 Q. Would the drivers --

6 A. Can you be more specific? Can you, do
7 you have something in mind that --

8 Q. Yes. I was going to get around to
9 this, but since you ask, yes.

10 A. I have been here a long time.

11 Q. I was going to ask specifically about
12 Standard Oil. Do you know if they were ever
13 simultaneously a customer of Robb Tyler's and
14 Fred Sauer's?

15 MS. DOANE: Objection, lack of
16 foundation.

17 Q. Is it possible that they could have
18 been?

19 A. It is possible.

20 Q. Would the drivers have been in a
21 better position to know the answer to that

1 question than you are?

2 A. Yes.

3 MS. DOANE: Can I ask can the witness
4 please to pause before answering the question to
5 give some of us time to object, if we so choose
6 to.

7 THE WITNESS: Certainly.

8 MS. DOANE: Thank you.

9 Q. Earlier today you were shown an aerial
10 photo of Fred Sauer's dump, and you circled an
11 area where you recalled dumping taking place; do
12 you recall that?

13 A. Yes, I do.

14 Q. Can you give me any idea how often you
15 might have gone to Sauer's dump during that
16 period when your drivers were using it?

17 MR. MASUR: Objection. Are you
18 referring to the window period?

19 MR. GRUMMER: Yes.

20 MR. MASUR: You may want to make that
21 clear.

1 Q. I am referring to that period in 1969
2 that we discussed earlier today. Would it have
3 been more than five times?

4 A. It was probably at least once a week,
5 maybe twice a week.

6 Q. Do you ever recall seeing trucks
7 dumping in two distinct parts of Sauer's dump?

8 A. I don't recall, no.

9 Q. Did you see or do you now recall
10 anything to suggest that Robb Tyler's drivers
11 were dumping in a different part of Sauer's dump
12 than Fred Sauer's drivers?

13 A. I don't recall, no.

14 Q. So you don't recall anything that
15 would suggest that?

16 A. No, I don't.

17 Q. Earlier today you testified that Fred
18 Sauer had his own containers; do you recall that?

19 A. Do I recall that I testified to that?

20 Q. Well, do you recall that and I assume
21 you believe that is correct? Is that correct?

1 A. That is correct.

2 Q. Were there any particular kinds of
3 containers that Fred Sauer had, any particular
4 sizes or descriptions, or were there any that he
5 did not have?

6 A. There were a lot that he did not have,
7 but he had roll-off containers and he had some
8 dumpster containers.

9 Q. Are there different kinds of roll-off
10 containers?

11 A. Can you be more specific?

12 Q. I just am wondering if there are
13 different sizes or types.?

14 A. There are different sizes, there are
15 different types.

16 Q. And is it your recollection that Fred
17 Sauer had various types of roll-off containers or
18 only one type?

19 A. I think he had various types, but I
20 don't know. Meaning sizes.

21 Q. I am sorry?

1 A. Meaning sizes.

2 Q. So he had various sizes?

3 A. Yes.

4 Q. Were Fred Sauer's containers any
5 particular color?

6 A. Probably green. From what I recall.

7 Q. You don't really recall?

8 A. I say green.

9 Q. Is that because you recall them being
10 green or are you guessing?

11 A. I am guessing.

12 Q. Earlier today you were shown an
13 accounts receivable list from 1970 and it was
14 marked as an exhibit, and I believe you testified
15 that you recalled possibly having looked at that
16 on an earlier occasion. Do you recall if you
17 looked at it when you gave your prior statement?

18 A. If that is the same one that you all
19 gave me, then yes.

20 Q. I take it, then, that you do recall us
21 showing you a copy?

1 A. A customer list.

2 Q. A customer list. When you say
3 customer list are you referring to an accounts
4 receivable list?

5 A. Whatever it was you gave me.

6 MS. CASANO: It is Exhibit 12.

7 Q. Do you recall us asking you to take
8 that home and look at it and look over the
9 customer list for certain purposes?

10 A. Yes, I do.

11 MR. GRUMMER: What I would like to do
12 is read into the record the portion of the
13 transcript where we did that.

14 MR. GILLAN: Was this made an exhibit
15 to this interview of August 27, this list with
16 his markings on it? If it was, why hasn't it
17 been produced with his markings on it when we got
18 the interview transcript? It says confidential.

19 MR. GRUMMER: It wasn't a deposition,
20 it didn't have exhibits, so I guess the answer to
21 your question is no, it was not made an exhibit.

1 It was simply a document that we showed him, and
2 as to whether or not it has been produced, I
3 can't tell you at the moment for certain that it
4 was produced, but I know that we have given it to
5 people who asked about it. I know we produced
6 the transcript and at least one company called up
7 and asked if they could have a copy of the
8 marked-up list and we gave it to them, and it may
9 have been produced by us or by someone else in
10 the document production. I simply don't have
11 records in front of me that will answer that
12 question.

13 MR. LINGAN: Well, I think the
14 question is why hasn't it been produced today?
15 Certainly it is responsive to the production
16 request that was aimed towards you. It obviously
17 is not protected because it has been distributed
18 among a wide circle of friends.

19 MR. GRUMMER: If you would like to
20 take that up with me or anyone else after this
21 deposition, I would be happy to.

1 MR. GILLAN: I think we should object
2 to using it as a basis for testimony today.

3 MR. GRUMMER: Well, you can certainly
4 state your objection.

5 MR. GILLAN: Just did.

6 Q. All right, I would like to read a
7 portion of the transcript of the prior statement.
8 I am going to begin at page 125, line 19, and
9 continue to page 126, line 10?

10 "MR. GRUMMER: We are giving you this
11 customer list and we have asked you to take some
12 time and look over it carefully and after doing
13 that, to make some kind of a mark next to any
14 entity listed on there where you think it was
15 more likely than not that their waste went to
16 Sauer's dump during the interval period between
17 Pulaski Highway closing and Norris Farms
18 opening. Does that seem clear?

19 "A. Seems clear.

20 "Q. Thank you. Next question, can we ask
21 you to do that within the next ten days?

1 "A. You can ask. I will try."

2 And that is the end of the excerpt.

3 MR. GRUMMER: Could you mark this as
4 the next exhibit, please.

5 (Whereupon, Tyler Deposition
6 Exhibit No. 13, cover letter dated September 24,
7 1990 and attached list, marked.)

8 Q. Mr. Tyler, if you could take a moment
9 and look over what has been marked Exhibit 13, I
10 will give a little further explanation of it for
11 the benefit of the other counsel.

12 MR. GRUMMER: In the excerpt I just
13 read, the fact that we asked Mr. Tyler to look
14 this over and make certain indications with
15 respect to it is fully set forth in the
16 transcript which GM and perhaps others did
17 produce. The list itself is identical to the
18 list previously marked as Exhibit 12, except that
19 Mr. Tyler, as we will discuss in a moment, has
20 placed a mark next to certain companies, and I
21 have a list that represents my own effort to list

1 the companies that he marked, and I would be
2 happy to read down that list before we continue
3 asking questions of Mr. Tyler.

4 According to my list, based on
5 reviewing Exhibit 13 last night, the companies
6 next to which Mr. Tyler placed a mark are Abbott
7 Labs, Air Brakes, Alban Tractor, American Bank, COL[?]
8 American Cooperage, Arcrods Plant, Armco Steel, GM, ~~Lawyer~~
9 Crown Cork, Lord Baltimore Press, Monarch Rubber,
10 National Gypsum, Nelson Company, Owens Yacht,
11 Schaefer Brewery, Western Electric.

12 MS. DOANE: Can you slow up, please.

13 MR. GRUMMER: And J. S. Young.

14 I should add that Exhibit 13 also has
15 a cover letter from Mr. Tyler's attorney at that
16 time to me. So as far as production goes, this
17 document should have been in the possession,
18 custody or control of the witness or his attorney
19 as well.

20 MS. CASANO: Would people like a copy
21 of the list Mark just read from?

1 MS. DOANE: And we would like a copy
2 of the cover letter.

3 MS. CASANO: Is it two-sided perhaps?

4 MR. MASUR: Off the record.

5 (Discussion off the record.)

6 MR. MASUR: Exhibit 12, would you read
7 me the numbers, the first number and the last
8 number, the Bates numbers? 493 to what?

9 MR. GRUMMER: You want the Bates stamp
10 numbers for Exhibit 12?

11 MR. MASUR: Yes.

12 MR. GRUMMER: B 0060179 through 281.

13 MR. RYAN: The letter we have had a
14 hundred pages attached to it. This one seems
15 shorter.

16 MR. MASUR: Mark, this one only has
17 from 493 to 546, which means this one is only 53
18 pages long. The exhibit, the one attached to --
19 let me make sure the record is clear, the one
20 attached to Tom's is over a hundred pages long.

21 MR. GRUMMER: That is correct. There

1 were no markings in the pages that followed, and
2 this is the complete series of pages that reflect
3 a certain type of the listings here. There were
4 no markings on the pages which followed.

5 MR. MASUR: There were no markings on
6 any of the pages following -- I think that that,
7 in and of itself, may well be important to many
8 people here and, therefore, the entire document
9 ought to be marked as an exhibit. The fact that
10 something wasn't marked may be as relevant as the
11 fact that it was.

12 MS. CASANO: In the interest of saving
13 copying charges, can we just put on the record a
14 statement that there were no markings on pages
15 number, whatever the page numbers are, and we
16 don't have to copy those pages?

17 MR. BRAGER: You could even ask the
18 witness to mark your formal exhibits so we don't
19 have two exhibits in there, and just one.

20 MR. MASUR: You are saying there were
21 no markings on pages 547 through 592?

1 MR. GRUMMER: There were no markings
2 after the page that is numbered both page 54 and
3 Bates-stamped 0300546. Since all of those pages
4 are precisely identical to the pages of Exhibit
5 12, I thought there would be no point served --

6 MS. CASANO: They are different Bates
7 stamp numbers. That is the --

8 MR. GRUMMER: Yes. Also, whether this
9 is clarifying or confusing the record, I don't
10 know, but this copy of the customer list that is
11 Exhibit 13 has a different set of Bates stamp
12 numbers, although I believe it is the same
13 document.

14 MR. LUTZ: Mr. Grummer, you
15 additionally haven't established that the marks
16 that you are noticing on there are necessarily
17 the marks that Mr. Tyler made.

18 MR. GRUMMER: I am trying to get to
19 that.

20 MR. JOSEPH: Before you go on, I have
21 one question. I would either like for you to

1 restate -- this is directed to Mr. Grummer, I am
2 David Joseph, by the way -- what the list of the
3 people, the people on the list that you read are,
4 what the characteristics, or why they are on that
5 list. I would like the court reporter to reread
6 the statement as to what the list represents.

7 MR. GRUMMER: Before she does that,
8 the answer to that question is in the portion of
9 transcript that I read.

10 MR. JOSEPH: I --

11 MR. MASUR: Why don't you ask the
12 witness what the significance is.

13 MR. JOSEPH: I am concerned about the
14 previous statement on the record as to what that
15 list represents, because I believe the term
16 "Sauer's dump" was used in that statement and I
17 am just concerned as to your characterization.

18 MR. GRUMMER: Well, in the portion of
19 transcript that we just read in Exhibit 2, page
20 125, line 19 through page 126, line 10, that
21 portion of transcript contains the instructions

1 that we gave to Mr. Tyler, and I believe the
2 cover letter, which is the first page of Exhibit
3 13, indicates that Mr. Tyler followed those
4 instructions in marking the list, but we will ask
5 him that in a second.

6 Q. Mr. Tyler, have you had a chance to
7 look at Exhibit 13?

8 MS. DOANE: Excuse me, were we going
9 to get copies of the cover letter at this time,
10 and Mr. Grummer's list? No, I mean -- Pat, you
11 suggested that we could have copies. I would
12 like to have them now because it is very hard to
13 follow.

14 MS. CASANO: Let's take a few minutes
15 and --

16 MS. DOANE: Particularly if he has
17 made representations to the letter. I would like
18 to see that.

19 (Recess taken.)

20 Q. Mr. Tyler, have you had a chance to
21 look over Exhibit 13?

1 A. Yes.

2 Q. Do you recall when you reviewed and
3 marked Exhibit 13?

4 A. Not specifically, no.

5 Q. Can you look at Exhibit 13 and explain
6 to us what mark, what type of mark you made on
7 Exhibit 13. Can you give us an example of the
8 marks that you made, for instance, on the page
9 behind the cover letter. I believe you are
10 now --

11 A. Well, I am trying to remember what the
12 instructions were, what you had asked me to
13 mark.

14 Q. Do you recall the portion of
15 transcript that I read a moment ago, where we
16 asked you to indicate companies where it was more
17 likely than not --

18 A. Is that what it was? And did you ask
19 me to make a specific kind of marking on the
20 back? Maybe my mind is wandering.

21 Q. The instructions we gave you were on

1 page 125 of your transcript which is Exhibit 2,
2 starting at line 19, and I previously read those
3 into the record. Maybe you would just like to
4 read over it now.

5 A. Okay. I see.

6 Q. Have you --

7 A. Go ahead.

8 Q. Have you now reviewed the instructions
9 that we gave you?

10 A. Uh-huh.

11 Q. Do you recall if you followed those
12 instructions?

13 A. I apparently did.

14 Q. And did you place any marks on Exhibit
15 13?

16 A. I made an X.

17 Q. That was how you indicated companies
18 that were responsive to the instruction? Was it
19 by placing --

20 A. I think so. But I thought there was
21 something else that we talked about at the time

1 and I can't recall. It was an X -- was that --

2 Q. I see where there are small X's next
3 to some of the companies, for instance, if I can
4 direct your attention --

5 A. I think it must be X.

6 Q. If I could direct your attention to
7 page 1 of Exhibit, of the first page behind the
8 cover letter, for instance, about a third of the
9 way down the page there is a listing for Abbott
10 Laboratories and just to the right of that there
11 is a small X. Is that small X your mark?

12 A. I think it is.

13 Q. You do think it is?

14 A. I do think it is.

15 Q. And was that type of a small X to the
16 right of a company's name the manner in which you
17 indicated companies on this list?

18 A. Yes, it was.

19 Q. Can you recall if there is any other
20 type of mark you made on this list?

21 A. Not that I recall.

1 Q. For instance, I see that about a
2 little over halfway down the page there is a
3 company called Airco Industrial Gases and there
4 is a small dash to the left of it. I take it
5 that is not your mark?

6 A. I don't think so, but --

7 MR. BRAGER: Is it on Exhibit 12, is
8 it dashed on that exhibit also?

9 MR. GRUMMER: For the record, no, it
10 is not.

11 MR. MASUR: For the record, are you
12 able to make any representations on how the other
13 marks came to be placed on Exhibit 13?

14 MR. GRUMMER: I believe they were not
15 placed on there by Mr. Tyler.

16 MS. DOANE: We would like to know who
17 placed the marks on the exhibit.

18 MR. GRUMMER: I am not certain. It
19 could have been by someone, one of defendant's
20 counsel who were looking at the list before
21 sending it out.

1 MS. DOANE: Who sent this list to Mr.
2 Tyler?

3 MR. GRUMMER: I believe it was given
4 to him at his statement.

5 MS. DOANE: Who gave him the list?

6 MR. GRUMMER: I think, I would be
7 happy to discuss this with you later, but I think
8 I would like to go back to the examination I have
9 been conducting.

10 MS. DOANE: I think we should discuss
11 it now. I am very upset with the use of this
12 exhibit. Giving a premarked exhibit to a
13 witness, perhaps leading testimony, I think is a
14 gross breach of --

15 MR. GRUMMER: You can state your
16 objections. When you are done I would like to go
17 back to conducting my examination.

18 MR. BLEICHER: Mark, can you tell us
19 to your knowledge if those marks were on the list
20 when it was given to the witness, or do you
21 know?

1 MR. GRUMMER: I am not certain. I
2 think they were.

3 MR. BLEICHER: You think they were?
4 All right.

5 MS. DOANE: And you don't recall who
6 gave him the list?

7 MR. GRUMMER: I am not sure why it is
8 relevant, but one of the counsel at his statement
9 gave it to him.

10 MS. DOANE: Well, I think it is very
11 relevant and I don't think that we have heard the
12 end of this.

13 MR. LUTZ: I am sure of that.

14 MR. BRAGER: Mark, are you going to go
15 down one by one and check off the ones, the X's?
16 That will solve the problem. He is going to
17 testify today anyway.

18 MR. GRUMMER: Sure.

19 Q. Could I direct your attention for the
20 moment to the cover letter and the last paragraph
21 which states: "Mr. Tyler," and this is a letter

1 written by Warren Rich; was Mr. Rich your lawyer
2 at that time?

3 A. Yes, he was.

4 Q. Mr. Rich writes: "Mr. Tyler indicates
5 that the marks that he made on the customer list
6 were based on the instructions given. To check
7 other customers on this list under your
8 instructions, he would be just guessing."

9 Do you agree with that statement?

10 A. Yes.

11 Q. Okay, if I could redirect your
12 attention to the next page which is page 1 of the
13 computer-generated list, I see that there is a
14 small X next to Abbott Laboratories. According
15 to your instructions, this indicates, your X *x = probably*
16 indicates that it was more likely than not that ~~that~~ *at St.*
17 their waste went to Sauer's dump during the
18 interval period between Pulaski Highway closing
19 and Norris Farms opening.

20 Is that what you meant when you placed
21 that X there?

1 A. Yes.

2 Q. Can you remember, can you tell me
3 anything about Abbott Laboratories or the nature
4 of their wastes?

5 A. No, I can't. I think I made these
6 marks basically on geography, and with no direct,
7 you know, the instructions were "more likely than
8 not." It could be 51/49. And that is how I made
9 those marks.

10 Q. So the fact that you placed an X next
11 to a particular company was based on geography?

12 A. As much as anything. And that is, as
13 I recall, that is the way I did it.

14 Q. Was that true in the case of Abbott
15 Laboratories?

16 A. That was true in the case of Abbott
17 Laboratories.

18 Q. Looking down the list, the next
19 company that has an X next to it is Air Brakes *Air Brakes*
20 Controls. Can you tell me what you recall about
21 them.

1 A. They are in the neighborhood of North
2 Point there.

3 Q. Can you recall anything about their
4 wastes?

5 A. No, I can't.

6 Q. With respect to Air Brakes & Controls,
7 was that company a customer of Robb Tyler in 1969
8 to the best of your recollection?

9 A. To the best of my recollection.

10 Q. Would that be true of any customer,
11 any company on this list?

12 A. What was the date of this list?

13 Q. I believe the dates in the second
14 column from the right seem to indicate that it is
15 from approximately March of 1970.

16 A. Then that would hold for most of the
17 customers.

18 Q. It would hold that most of them were
19 customers in 1969?

20 MS. DOANE: Objection.

21 A. Only in that we didn't turn over our

1 whole customer list every year.

2 Q. Can you give me any idea what
3 percentage of your customer list would turn over
4 in the course of a year?

5 A. I just don't recall at this time.

6 Q. This is an accounts receivable list,
7 is it not?

8 A. If that is what it said.

9 Q. Do you think it is --

10 A. I don't, I can't sit here today and
11 say it is an accounts receivable list, an
12 accounting of the accounts. I can only go with
13 what you have told me when you gave it to me,
14 that it was a list of the customers that you had
15 obtained from some other source than me.

16 Q. I am not sure what you are referring
17 to about what I told you.

18 A. You said when you gave this to me a
19 year ago or whatever it was, it was pointed out
20 that this was a list of the customers that I
21 think you all obtained from the documents of the

1 purchase of Robb Tyler, Inc.

2 Q. I don't believe I told you anything
3 like that. One of the other lawyers may have
4 said something like that.

5 What do you think this list is?

6 A. It looks like a list of the customers
7 in Robb Tyler, Inc.

8 Q. The amount, the amounts, the numbers
9 on the far right column, do you have any idea
10 what those numbers represent?

11 A. They appear to be the billing amount.

12 Q. Do they appear to be amounts that are
13 due and owing from the customers?

14 A. They could be what the normal monthly
15 rate was, and then it would vary if there were an
16 aged balance as to the number of stops that were
17 pulled. It could be the amount that was charged
18 per pickup, and if there were extra pickups, then
19 there would be extra billing, and that is why I
20 say I don't know whether this is an aged
21 receivable list or just a listing of the accounts

1 or whatever it is.

2 Q. So it could be either accounts
3 receivable or it could also be a monthly rate?

4 A. That is true.

5 Q. If it is accounts receivable, would it
6 reflect past hauling, hauling conducted prior to
7 March of 1970?

8 A. Only, I guess, to the extent that it
9 hadn't been collected. That is why I am not sure
10 exactly what this list is. It is not a list that
11 I would have worked with when I was there at the
12 company.

13 Q. Looking further down page, the page
14 that is numbered page 1, there is a company named
15 Alban Tractor Company. Can you tell me anything
16 about why you put an X next to that company or
17 what their wastes were?

18 A. It is Alban Tractor, they are a
19 Caterpillar dealer on Pulaski Highway and would
20 have been fairly close to these locations.

21 Q. Do you remember anything about their

1 wastes?

2 A. No. General waste.

3 Q. If you could please look at the next
4 page, about one-third of the way down the page
5 there is a company, American Bank Stationery.
6 Can you tell me why you put an X next to that
7 company and what if anything you recall about
8 their wastes.

9 A. It was, the company was located right
10 off of Pulaski Highway. I think their waste was
11 mostly paper waste.

12 Q. Paper waste? Two lines down there is
13 a company, American, it appears to be American
14 Cooperage and Steel Drum, and there is an X next
15 to that company. Can you tell me why you placed
16 an X next to that company.

17 A. I think because they were down around
18 Kresson Street which is very close to the area.

19 Q. Can you recall anything about their
20 wastes?

21 A. Could have been old drums. I just

1 don't really recall.

2 Q. Why do you say it could have been old
3 drums?

4 A. I think they were a drum
5 reconditioner.

6 Q. If they were a drum reconditioner, why
7 would they be disposing of drums?

8 A. They were no longer capable of being
9 reconditioned, I guess. I am really just making
10 suppositions here.

11 Q. With any of the companies I am asking
12 you about, can you recall how often your drivers
13 would pick up from them?

14 A. No, I can't.

15 MR. GRUMMER: Could we get a copy of
16 my list here.

17 Q. If you could please look at the next
18 page, a little ways down the page there is a
19 company named Arcrods Plant. Why did you place
20 an X next to that company?

21 A. They are right down on North Point

1 Boulevard.

2 Q. Can you remember anything about their
3 wastes?

4 A. Very heavy. They made welding rod so
5 it was --

6 Q. Did their waste consist of welding
7 rods?

8 A. Yes, and old flux, I guess, and stuff
9 or, I just remember it was very heavy, that is
10 all.

11 Q. How do you know that?

12 A. Because I think we broke some
13 equipment down there.

14 Q. When you say down there, do you mean
15 at the Arcrods Plant?

16 A. Yes. In picking up the container.
17 There was, it was always a heavy container and
18 there were always tire problems and things, and I
19 just happened to remember that.

20 Q. Do you know anything about the
21 frequency that Robb Tyler picked up at the

1 Arcrods Plant?

2 A. No, I don't.

3 Q. Do you know if it was more often than
4 once a week?

5 A. I don't know. I absolutely don't
6 know.

7 Q. I take it there is no way to tell from
8 looking at this list what the frequency of pickup
9 was?

10 A. I really can't, no.

11 Q. A few lines down there is a listing
12 for Armco Steel Corp. Can you tell me why you
13 put an X next to that company.

14 A. It is over in east Baltimore.

15 Q. Can you tell me what if anything you
16 remember about their wastes.

17 A. I really don't.

18 Q. Do you remember anything about the
19 frequency of pickup with Armco Steel?

20 A. I can't recall.

21 Q. Okay, I believe the next place you

1 have made an indication is on page 12. Near the
2 bottom of the page there are two listings for
3 Crown Cork and Seal and you have placed an X next
4 to each of them. Can you tell me why you placed
5 an X next to Crown Cork and Seal.

6 A. They are over in the same area of east
7 Baltimore and it would have been closer to
8 Pulaski Highway.

9 Q. Can you remember anything about their
10 wastes?

11 A. A lot of cork dust.

12 Q. And how do you know that?

13 A. Just they had been a customer for a
14 long time.

15 Q. And over the course of time you have
16 had an opportunity to observe their waste?

17 A. And I can remember we used to use some **CCAS.*
18 of their old bottle caps and stuff as road *Bottle caps used*
19 material. *a road material*

20 Q. Would you have done that at Rosedale?

21 A. Yes.

1 Q. I believe the next listing is on page
2 28. Near the bottom of the page there is a
3 listing for Lord Baltimore Press. Can you tell
4 me why you placed an X next to that company.

5 A. It was fairly close to that area.

6 Q. Can you remember anything about their
7 wastes?

8 A. Mostly paper waste.

9 Q. Can you remember anything about
10 frequency of pickup at Lord Baltimore Press?

11 A. No, I can't.

12 Q. Do you recall any liquid or drummed
13 wastes in connection with Lord Baltimore Press?

14 A. I don't recall, no. I think they had
15 a compaction machine there, is one of the things
16 I remember.

17 Q. I believe the next listing is on page
18 33, you placed an X next to Monarch Rubber
19 Company. Can you tell me why you placed an X
20 next to that company.

21 A. It was fairly close to the site.

1 Q. Can you remember anything about their
2 wastes?

3 A. They had a lot of rubber sheets, I
4 think they made shoe soles and things like that,
5 and we used those sheets for mud flaps on the
6 trucks.

7 Q. On the next page you have placed an X
8 next to National Gypsum Company. Can you tell me
9 why you did that.

10 A. They weren't too far away. This was a
11 fairly frequent customer, had a lot of gypsum
12 board and also a lot of reject board that we
13 would reuse from time to time.

14 Q. A little farther down the page there
15 is a listing for a Nelson Company. Can you tell
16 me why you placed an X there.

17 A. They were down near Sparrows Point so
18 they were fairly close to the area and they had a
19 lots of skids and stuff.

20 Q. You recall their waste including
21 skids?

1 A. Wood waste.

2 Q. Anything else?

3 A. Not that I recall.

4 Q. I take it that with all of these
5 companies, what you remember about their wastes
6 is from seeing their wastes at Robb Tyler's
7 landfills?

8 A. You know, it is very hard for me to
9 remember exactly where it went because we are
10 talking about a long period of time. So I --

11 Q. How did you learn about what their
12 wastes consisted of? Was it by seeing your
13 drivers dump the wastes at a landfill?

14 A. Not necessarily, maybe just seeing it
15 in the container, maybe visiting the stop. Could
16 be a lot of reasons. Seeing a dump would be one,
17 and National Gypsum, yes, I can remember National
18 Gypsum being dumped.

19 Q. You would occasionally visit the
20 stops, visit the customers?

21 A. If there was a problem.

1 Q. On the next page there is a listing
2 for Owens Yacht Company. Can you tell me why you
3 placed an X there.

4 A. They were down in the same area of
5 east Baltimore.

6 Q. Can you tell me anything about their
7 wastes?

8 A. A lot of wood waste.

9 Q. On page 42 there is a listing for
10 Schaefer Brewery, three down from the top of the
11 page. Can you tell me why you placed an X there.

12 A. Because they would have been dumped on
13 the east side somewhere.

14 Q. Can you remember anything about their
15 wastes?

16 A. A lot of beer.

17 Q. Was the beer in closed containers,
18 capped bottles?

19 A. Sometimes.

20 Q. How else, what other forms would it
21 take?

1 A. Broken bottles and broken containers,
2 cardboard.

3 Q. On page 50 in about the middle of the
4 page there is a listing for Western Electric
5 Company. Can you tell me why you placed an X
6 there.

7 A. For the same reasons. It was over
8 there in east Baltimore.

9 Q. I think you have already testified
10 today about the nature of their wastes.

11 On the next page there is a listing
12 for J. S. Young Company. Can you tell me why you
13 placed an X there.

14 A. I just happened to remember their
15 material because I got rid of a lot of, they made
16 licorice, and they used to have a root mulch that
17 we would reuse.

18 Q. A what?

19 A. It was sort of a root mulch, it was
20 good for, you know, mulching in gardens, and
21 stuff like that.

1 Q. Were there other companies -- well, I
2 notice that you didn't indicate General Motors on
3 this list.

4 MR. BRAGER: Must have been just an
5 oversight.

6 A. Must have been an oversight.

7 Q. I take it there are other companies
8 that you didn't put an X next to that are close
9 to the Sauer's dump; is that correct?

10 A. Yes. I would guess. Because I wasn't
11 sure exactly what the address was or whatever it
12 was, but I, if I didn't put General Motors, I
13 don't remember why not.

14 Q. I take it there are more companies --

15 MR. LINGAN: Could you repeat that
16 answer.

17 (The record was read by the reporter.)

18 Q. Are these 17 -- let me just count the
19 number here -- as I add this up, you have placed
20 X's next to 16 companies, and when you did that
21 you left out some companies, such as General

1 Motors. Do you think there are other companies
2 that you left out that were more likely than not
3 to have had their wastes going to Sauer's dump?

4 MR. MASUR: Objection. Calls for
5 speculation.

6 MR. CROWE: Leading.

7 MS. DOANE: Objection.

8 A. I just really don't remember.

9 Q. What about all the other companies on
10 this list? Where were their wastes going during
11 that three-month, that period of several months
12 in 1969?

13 A. You are going to have to be a lot more
14 specific.

15 Q. Were these --

16 A. I mean, they were going to any number
17 of places.

18 Q. Do you think these 16 companies were
19 the only ones whose wastes were going to Sauer's
20 dump?

21 MR. JOSEPH: Objection.

1 MR. LINGAN: Object. I don't think
2 the witness has stated that. I think he answered
3 earlier that the reason he had marked these
4 companies was because of their geographic
5 proximity to Pulaski, notwithstanding the
6 instruction that was given in the earlier
7 deposition of more likely than not going to
8 Sauer's.

9 MR. LUTZ: Which makes all of the
10 answers speculative.

11 Q. Based on the geography, are there
12 companies other than these 16 whose wastes would
13 be likely to go to Sauer's dump?

14 MS. DOANE: Objection.

15 A. Probably.

16 Q. Are there other companies on this list
17 that are as close to Sauer's dump as these 16?

18 A. Probably.

19 Q. Earlier today you said that you wanted
20 to correct your previous testimony and you wanted
21 to testify today that you did not see drums at

1 Sauer's dump; do you recall that?

2 A. Yes.

3 Q. Does that include GM drums?

4 A. I think probably I was referring to, I
5 did not specifically remember and I could not say
6 that I remembered seeing a General Motors truck
7 there.

8 Q. So it was specifically your prior
9 testimony with respect to GM that you wanted to
10 correct?

11 A. I think that is what I said.

12 Q. I am going to ask you about a few
13 companies that appear on your, that appear on
14 Exhibit 12. I am referring you to page 16 of
15 Exhibit 12, about a quarter of the way down the
16 page. Do you see a listing for Humble Oil
17 Refining Company?

18 A. Yes.

19 MS. DOANE: I object to the use of
20 this exhibit at this point. Why are we switching
21 back and forth from Exhibits 12 and 13?

1 MR. GRUMMER: Because that is how I
2 wish to conduct this examination. I believe you
3 had some objections to Exhibit 13, so I thought I
4 would use Exhibit 12.

5 Q. Were there any other names for Humble
6 Oil?

7 MS. DOANE: Objection.

8 Q. Is that the same as Standard Oil?

9 A. I really don't recall.

10 Q. Do you remember anything about Humble
11 Oil?

12 A. Nothing specifically, no.

13 Q. Can you recall if they were a customer
14 at the time this list was prepared?

15 A. If that is our list and they are on
16 it, then I will have to say that they were a
17 customer. I don't think we put people on our
18 list that were not customers.

19 Q. I take it you don't have any other
20 recollection about Humble Oil?

21 A. I really don't, no.

1 MS. DOANE: I think at this point it
2 might be good to draw the witness' attention to
3 the two distinctions listed on page 1 of the
4 exhibit, to note the distinctions listed on page
5 1 of Exhibit 12. There are two different types
6 of accounts.

7 THE WITNESS: What are we looking at?

8 MR. GRUMMER: Lee, I am not sure I
9 follow your point.

10 MS. DOANE: I will interpose an
11 objection to the question because both you and
12 the witness are making assumptions that are
13 lacking in foundation.

14 THE WITNESS: They --

15 MS. DOANE: There is nothing in this
16 document by itself that says Humble Oil Refining
17 Company was a customer in 1970.

18 Q. Mr. Tyler, I direct your attention to
19 the very first page of Exhibit 12. At the very
20 top there is a statement that says Pages 1 to 54,
21 Accounts with Delinquent Items. Do you see that?

1 A. Yes.

2 Q. What do you think the word "accounts"
3 means?

4 A. Well, customers.

5 Q. So you think accounts means the same
6 as customers?

7 A. Yes, I do.

8 Q. Do you know if there was a Standard
9 Oil in eastern Baltimore?

10 A. I remember Standard Oil in eastern
11 Baltimore, yes.

12 Q. Do you know if they were ever a
13 customer of Robb Tyler's?

14 A. I think they were, but I --

15 Q. Can you tell me anything about the
16 time period?

17 A. I really can't.

18 Q. Can you tell me anything about the
19 nature of the wastes?

20 A. Not with any certainty, no.

21 Q. I would like to direct your attention

1 to the third page of Exhibit 12 which is numbered
2 page 2, and I see a listing for Anchor Post
3 Products. Do you remember an Anchor Post
4 Products business?

5 A. Yes, I do.

6 Q. Can you tell me what you remember
7 about them.

8 A. A lot of old fencing.

*Anchor Post
mfg / waste
fencing*

9 Q. Do you recall them being a customer of
10 Robb Tyler's?

11 A. I recall them as a customer, yes.

12 Q. Do you know if that was before, were
13 they a customer before Rosedale closed, do you
14 recall?

15 A. I really don't recall.

16 Q. So I take it you don't recall --

17 A. That they were; I don't recall that
18 they weren't.

19 Q. And you recall fencing materials in
20 their wastes?

21 A. Yes, I do.

1 Q. Do you recall anything else about
2 their wastes?

3 A. No, I don't.

4 Q. Do you know if you ever visited the
5 Anchor Post facility?

6 A. I am sure I drove by it in east
7 Baltimore.

8 Q. Do you happen to remember how you know
9 what their wastes consisted of?

10 A. There was a problem in the landfills
11 with the wire getting wrapped up in the
12 equipment. The fencing wire.

13 Q. Do you remember which landfill that
14 happened at?

15 A. I can remember it at Norris Farm. I
16 can remember it, I guess, at Rosedale. But with
17 great specificity, no.

18 MR. GRUMMER: Let me take just a
19 moment, I am trying to find a listing here.

20 Q. I would like to direct your attention
21 to page 35, do you see a listing there for

1 O'Brien Corp.?

2 A. Yes.

3 Q. Do you recall that business?

4 A. Yes, I do.

5 Q. Can you tell me what you remember
6 about them.

7 A. They were a paint company.

*O'Brien
Paint*

8 Q. Were they a customer of Robb Tyler's?

9 A. Yes, they were.

10 Q. Can you recall if they were a customer
11 before Rosedale closed?

12 A. I really don't recall with any, you
13 know, specifically.

14 Q. Can you recall anything about their
15 wastes?

16 A. I really don't.

17 Q. Okay. Still on page 35, I direct your
18 attention to the bottom of the page, second line
19 from the bottom, there is a listing for Palm Oil
20 Recovery, Inc. Do you recall a business by that
21 name?

1 A. Yes, I do.

2 Q. Was that company a customer of Robb
3 Tyler's?

4 A. I think so.

5 Q. Can you recall when they were a
6 customer?

7 A. Not specifically, no.

8 Q. Do you have any recollection of
9 whether they were or were not a customer before
10 Rosedale closed?

11 A. Not specifically, no.

12 Q. Do you know where that business was
13 located, Palm Oil Recovery?

14 A. I think it was down at Sparrows Palm Oil
15 Point.

16 Q. And that is the business you are
17 referring to?

18 A. Yes.

19 Q. Can you recall anything about their
20 wastes?

21 A. I really don't know.

1 Q. Mr. Tyler, I have asked you to take
2 another look at Exhibit 11. This is the
3 document, one-page document entitled Dumping
4 Prices for Norris Farm and Quarantine Road
5 Landfill, and it is dated, it says price -- a
6 listing at the bottom states price effective
7 October 1, 1969.

8 Can you tell me if the prices and
9 other terms specified on this list were new or if
10 they reflected, if they were the same as prior
11 practices. Let me rephrase that.

12 The prices listed on Exhibit 11, do
13 you know if those prices are different than the
14 prices that applied previously?

15 A. Previously to this list being
16 published?

17 Q. Yes.

18 A. I don't recall. I would, you know --

19 Q. Do you know if -- I take it this is a
20 Robb Tyler price list?

21 A. It appears to be, yes.

1 Q. Do you know if Robb Tyler had earlier
2 price lists?

3 A. I assume so, but I --

4 Q. This list refers to various types of
5 services provided by Robb Tyler, does it not?

6 A. But not only Robb Tyler. I think this
7 was for general, you know, the landfills were not
8 only for Robb Tyler trucks. So I think this
9 price list was for anybody who wanted to bring
10 their waste to the landfills.

11 Q. I see, so if someone other than a Robb
12 Tyler --

13 A. This would not be given to the drivers
14 of Robb Tyler.

15 Q. Who would this be given to?

16 A. This would have been given to
17 customers who wanted to haul their own trash to
18 the landfill.

19 Q. So these prices did not apply for Robb
20 Tyler's hauling customers?

21 A. That would have been internal and I

1 don't, you know, I don't recall.

2 Q. But the intended audience of this
3 price list was not Robb Tyler's hauling
4 customers; is that what you are saying?

5 A. What I am saying is, this is not a
6 hauling price. This is a dumping price. Some
7 customers would have had what would be referred
8 to as an all-in price, hauling and disposal would
9 be one number without the disposal being broken
10 out. At a later date, and I don't really
11 remember when, we started to break out dumping
12 from hauling as dumping became more expensive.
13 As you can see, these were not exorbitant
14 prices.

15 Q. I see there are prices specified for
16 Modern on this list. Can you explain that to
17 me.

18 A. I think Modern had a discount, as did
19 probably some other haulers, that was the result
20 of their helping in getting open Norris Farm or,
21 you know.

1 Q. So I take it if a company or an
2 individual wanted to haul its own wastes in its
3 own truck to your landfill, these are the prices
4 that you would have charged?

5 A. Generally, yes.

6 Q. I notice that the third listing from
7 the top is for oil and it says 4 cents per
8 gallon. Who was paying whom? Or who would pay
9 whom? Would you pay someone for waste oil or
10 would they pay you to dispose of waste oil?

11 A. They would pay us.

12 Q. So if someone disposed of waste oil at
13 one of these landfills, they would pay you 4
14 cents per gallon to do that?

15 A. That is correct.

16 Q. Can you describe anything about waste
17 oil disposal at your landfills.

18 MR. LUTZ: Objection.

19 A. Maybe you should be more specific.

20 Q. I take it that waste oil was disposed
21 of at your landfills?

1 MR. LUTZ: Objection.

2 (Interruption.)

3 MR. GRUMMER: He said, "from time to
4 time"; is that correct?

5 THE WITNESS: That is correct.

6 Q. Can you give me an example of a
7 company that disposed of waste oil at a Robb
8 Tyler landfill?

9 A. Not specifically.

10 MR. LUTZ: Objection.

11 Q. Would it be a gas station, would it be
12 a refinery?

13 MS. DOANE: Objection.

14 MR. LUTZ: I am objecting to this
15 whole line of questioning. It has nothing to do
16 with Sauer's dump. It is irrelevant, immaterial
17 and it is prejudicial to my client. If you
18 continue to do this I am going to instruct him
19 not to answer.

20 MR. GRUMMER: I think the reason we
21 are asking is due to his previous testimony, that

1 wastes otherwise disposed of at Rosedale could
2 have been disposed of at Sauer's dump during the
3 three or four-month period.

4 MR. LUTZ: If you want to establish a
5 foundation for that, that is fine.

6 MR. GRUMMER: I think the foundation
7 has been well established by all the prior
8 testimony.

9 MR. LUTZ: I don't think it has at
10 all.

11 Q. When someone disposed of waste oil at
12 a Robb Tyler dump, can you tell me what sort of
13 container it would be transported in?

14 MR. LUTZ: Objection. That is like
15 asking when was the last time you beat your
16 wife. It is too leading.

17 Q. I believe you have testified that
18 waste oil was disposed of at Robb Tyler's
19 landfill?

20 MR. LUTZ: It is objected to.

21 Q. Do you know if waste oil was ever

1 disposed of at Rosedale?

2 MR. LUTZ: Objection. You can answer
3 that.

4 A. I think so. You know.

5 Q. Can you describe the type of container
6 waste oil would be transported to Rosedale in.

7 MR. LUTZ: I am going to object to
8 this whole line of questioning as I previously
9 stated.

10 A. I think it could come in drums. For
11 example, General Motors as Chevrolet Ray would
12 bring in a load of drums and dump the drums in
13 with the trash. Empty the drums.

14 Q. Drums of waste oil?

15 A. I assume. They were liquids. I am
16 not sure what, I don't recall what was in them.

17 Q. You do not recall what was in
18 Chevrolet Ray's drums?

19 A. (Indicating.)

20 Q. I am asking specifically with respect
21 to waste oil, if you can recall.

1 A. Then you have to be much more, I mean,
2 I don't really differentiate and I don't think
3 this really differentiated. If it was a liquid,
4 a lot of liquids were called waste oils and it
5 might have been emulsions, it might have been
6 mostly water, and I just don't recall for each
7 customer.

8 Q. So I take it you don't recall that
9 waste oil would typically be disposed of in any
10 particular type of container?

11 A. I will say this. If it were oil it
12 would probably be used to oil the roads, to keep
13 the dust down.

14 Q. Further down on Exhibit 11 there is an
15 entry that says "tank or oil lugger." Can you
16 describe for me what a tank or oil lugger is.

17 A. That would be a container, a tank that
18 would be picked up by a truck.

19 Q. Would it have its own wheels or would
20 it be carried on a truck?

21 A. It would be carried on a truck.

1 Q. What would happen with that container
2 when it was taken to a landfill?

3 A. It would either be, if it were a good
4 oil it would be used probably to oil the roads as
5 I said. If it were an emulsion of some sort, it
6 could probably just be dumped in with the trash.

7 Q. Can you recall any companies from
8 which Robb Tyler drivers picked up a tank or an
9 oil lugger containing oil?

10 A. When you say oil, that is where I am
11 having a problem with your line of questioning.
12 I just don't recall, so I have to say no.

13 Q. I am simply using the same term used
14 on this list here.

15 A. Yes.

16 Q. And using it the same way it is used
17 here.

18 A. And I think I said that this was
19 fairly generic, so --

20 Q. But you don't recall any particular
21 company that hauled in a tank or an oil lugger,

1 whatever that means here?

2 A. No, I don't.

3 Q. I think in my last question I asked
4 you about whether you recalled any company
5 bringing in a tank or oil lugger of its own. Do
6 you recall whether Robb Tyler drivers ever picked
7 up a tank or oil lugger?

8 A. There were, Robb Tyler didn't run any
9 lugger trucks.

10 Q. So Robb Tyler --

11 A. So we might have had some roll-off
12 tanks and some dumpster tanks, but not a lugger.

13 Q. Could the roll-off tanks or dumpster
14 tanks you just mentioned have been used to haul
15 oil?

16 A. They could have been, yes.

17 Q. Do you recall if they ever were?

18 A. I am sure they were, but I do not
19 recall exactly.

20 Q. When you say you are sure they were,
21 can you recall any customers?

1 A. I really can't.

2 Q. Can you recall the type of business?
3 Would it have been, for instance, a gas station
4 or refinery?

5 MS. DOANE: Objection. Calls for pure
6 speculation.

7 A. I, once again, some of the tilt-type
8 containers, we called them tilts, were used at
9 General Motors to haul liquid waste out of the
10 Broening Highway plant.

11 Q. My question goes specifically to oil.
12 Do you recall oil being hauled from General
13 Motors?

14 A. It could have been part of the liquid
15 waste and I just don't recall.

16 Q. Do you have any basis to think it was?

17 A. I don't have any basis to think it
18 wasn't, so --

19 Q. Do you know if oil was ever disposed
20 of at Sauer's dump?

21 A. Not specifically, no.

1 Q. When you say not specifically, do
2 you --

3 A. I don't recall it having a, the only
4 thing, I think, that it would have been used for
5 would have been for dust control.

6 Q. Do you recall any instance, any
7 specific instance of that happening?

8 A. Not specifically, no, but I remember a
9 lot of dust.

10 Q. Do you know if Sauer did use oil on
11 his roads?

12 A. I think so.

13 MS. DOANE: Objection.

14 Q. Do you know where he got the oil?

15 A. I don't know.

16 Q. This list also refers to passenger
17 tires and truck tires. I take it that this was,
18 the prices listed here were prices you charged
19 someone to dispose of tires?

20 A. That is correct.

21 Q. So for instance, if someone brought in

1 a truck tire and this list were in effect, you
2 would charge them \$1 to dispose of that truck
3 tire at your landfill?

4 A. Yes.

5 Q. Can you tell me anything about the
6 volume of tires that were disposed of, say, at
7 Rosedale?

8 A. No, I can't.

9 Q. Would they come in every week?

10 A. I am sure.

11 Q. What would be done with tires after
12 they were, what would the landfill do with the
13 tires?

14 A. Landfill them.

15 Q. Bury them?

16 A. Yes.

17 Q. Would they ever be burned?

18 A. Never. Unless the dump caught on
19 fire.

20 Q. Can you remember who brought tires --

21 A. There would be tires in all kinds of

1 loads. You know, people would throw tires in the
2 containers that would be picked up by trucks and
3 packed in.

4 Q. In a situation like that, would they
5 be charged for the tire specifically?

6 A. No, they wouldn't.

7 Q. In what kind of situation would
8 someone be charged specifically for a tire?

9 A. If they brought in a tire or a load of
10 tires.

11 Q. Can you recall any companies that
12 brought in loads of tires?

13 A. Not offhand. You might refresh my
14 memory, but I am sure there were.

15 Q. Other than going down the 1970 list, I
16 am not sure how we would do that. Can you
17 remember what type of business would bring tires
18 to the dump? Would it be gas stations?

19 MS. DOANE: Objection.

20 A. It could be gas stations, it could be
21 recap shops, it could be, you know, a tire

1 distributor. We didn't particularly like tires
2 in the landfill because, as you realize, they
3 don't compact, and you just keep, they keep
4 working their way back up to the top and you pick
5 them up and put them back to the bottom, so that
6 is why there is a specific charge for them.

7 Q. Earlier today you reviewed an excerpt
8 from your previous transcript in which you talked
9 about wastes from Western Electric and about
10 liquids being contained in the waste. Can you
11 remember anything further about that?

12 A. The only thing I really remember is I
13 think there was a roll-off container that would
14 have drums in it. I am not sure what was in
15 those drums or whether it was waste waters, waste
16 emulsions or what.

17 Q. Do you know if Western Electric had
18 any waste emulsions?

19 A. I don't recall.

20 Q. Can you remember what time period
21 Western Electric would have had that?

1 MR. GUTTER: Objection. He said he
2 didn't recall if they had it at all.

3 Q. I believe you testified --

4 A. I recall that there was, there were
5 drums of liquid.

6 Q. In Western Electric's wastes?

7 A. Yes.

8 Q. Can you recall anything further?

9 A. I don't recall what it was.

10 Q. Can you recall where you saw them?

11 A. Actually, I was looking at the dates
12 on here and I was having a hard time remembering
13 at what point we had opened up Quarantine Road,
14 but if Quarantine Road was open at this time,
15 Quarantine would have taken probably most of the
16 liquids and not Rosedale at that period. And I
17 didn't really think about it until I was looking
18 at this list.

19 Q. But you don't recall when Quarantine
20 was opened?

21 A. I now think it was around '68, or '69

1 too. Maybe '68.

2 Q. We spent a lot of time talking about
3 the period in 1969 after Rosedale closed and
4 before Norris Farms opened. During that time do
5 you recall if Quarantine was open?

6 A. I think it was, yes. I was thinking
7 it was the Patapsco Avenue landfill but looking
8 at this, my time frame, I think we go back to
9 Quarantine Road at that time and the Patapsco
10 Avenue was closed.

11 MR. GUTTER: Excuse me. Looking at
12 this, to what is the witness referring?

13 THE WITNESS: Exhibit 11.

14 MR. GUTTER: Thank you.

15 Q. Where was Quarantine located?

16 A. Quarantine Road.

17 Q. How far is that from Rosedale?

18 A. It is on the other side of town but
19 right on the other side of the Harbor Tunnel, so
20 distancewise it really is not, was not all that
21 far. It was not as effective as the Patapsco

1 Avenue fill for being further over in west
2 Baltimore, and therefore being more convenient to
3 the west Baltimore stops.

4 Q. So Quarantine was more convenient to
5 west Baltimore stops? I am not sure I followed
6 that.

7 MS. CASANO: He is laughing at me
8 because I said you lost me.

9 A. Quarantine would have been more
10 convenient to west Baltimore than Rosedale, but
11 not as convenient as the Patapsco landfill had
12 been that essentially Quarantine replaced in our
13 organization, being the Robb Tyler organization.

14 Q. Was Quarantine farther from Rosedale?

15 A. It was closer to Rosedale than
16 Patapsco Avenue, because it was just really on
17 the other side of the Harbor Tunnel, and then
18 later, of course, right there by the Key Bridge.

19 Q. When Quarantine opened, did that cause
20 some customers' wastes that had been going to
21 Rosedale to switch to Quarantine?

1 A. Probably did.

2 Q. Can you remember any specific
3 examples?

4 A. No, I can't.

5 Q. Would that have been the case with
6 Western Electric?

7 A. Probably not, but once again, there
8 were no hard and fast rules and if a truck
9 hauling a roll-off container out of Western
10 Electric had a next stop in west Baltimore and he
11 dropped an empty in Western Electric, he could
12 well have gone to Quarantine and then go to his
13 next stop, so, you know, it is very hard to say,
14 you know, that one landfill always got the waste
15 from one and the other landfill always got the
16 waste from the other.

17 MS. CASANO: Would you mark that,
18 please.

19 Q. I think you testified earlier that you
20 had a dedicated employee hauling from Western
21 Electric?

1 A. For one type of service, yes.

2 Q. What type of service was that?

3 A. Packer service, which would have been
4 compactible trash. Most of the office trash and
5 stuff from within the plant.

6 Q. Were there other pickups at Western
7 Electric then?

8 A. Yes, there were. There was roll-off
9 pickups and probably a compaction unit and
10 roll-off container there also. I am not sure --

11 Q. So there were three different types of
12 pickups there.

13 With respect, could you go down that
14 list and tell me anything you can remember about
15 the frequency of pickup for each of those.

16 A. I can't, other than the truck was, the
17 packer truck was there every day. The other, the
18 roll-off business would be on an on-call basis.
19 When the container was full, they would call and
20 it would be picked up.

21 Q. Do you have any sense of how often

1 that would happen?

2 A. I just don't recall.

3 Q. I just have a couple more questions.
4 Before I asked you some questions about waste oil
5 and I think you testified that Exhibit 11
6 indicates that people paid you to dispose of
7 waste oil. Did you ever recycle oil that you
8 received from your customers?

9 A. Not that I recall.

10 Q. So you always disposed of it at your
11 landfill in some fashion?

12 A. Yes, or at a landfill or, you know.

13 Q. Do you know if, at the time Rosedale
14 was opening, was open, were you familiar with any
15 oil recycling programs?

16 A. I don't recall.

17 MR. GRUMMER: I don't have any more
18 questions.

19 MS. CASANO: Why don't we take maybe a
20 five-minute break and before we do that, can we
21 get a feel for how much questioning there may

1 be. I am starting to get the feeling that we are
2 not going to finish today.

3 Off the record.

4 (Recess taken.)

5 EXAMINATION BY MR. SCHALLER:

6 Q. Mr. Tyler, my name is Charles Schaller
7 and I represent Ed Azrael in this case, and I
8 promise to be very brief about this.

9 It is my understanding that you have
10 previously testified that waste from various *both used*
11 parties was brought to the Rosedale landfill, *by E. Balto*
12 primarily those parties that had locations on *the*
13 east side of Baltimore; is that correct?

14 A. That is correct.

15 Q. Okay. After Rosedale shut down, there
16 was an intermittent period, which people have
17 referred to as the window period, for two or three
18 months; is that correct?

19 A. That is correct.

20 Q. And after that window period, the
21 Norris Farm landfill opened?

1 A. That is correct.

2 Q. Okay. Prior to the shutdown of
3 Rosedale, are you familiar with a company called
4 Armco Steel?

5 A. Yes, I am.

6 Q. I believe earlier you indicated that
7 you thought Armco Steel was a customer of Robb
8 Tyler?

9 A. Yes, I did.

10 Q. Would that hold true prior to the
11 closing of Rosedale?

12 A. I think so.

13 MR. LINGAN: Sorry, didn't hear the
14 answer.

15 THE WITNESS: I think so.

16 Q. After Rosedale was closed down, where
17 would Armco, where would Armco's refuse or waste
18 have been taken?

19 MR. LINGAN: Object. No foundation
20 for that question and any answer would be
21 speculative, absent that foundation.

1 Q. Was Armco's waste taken to Rosedale
2 landfill?

3 A. I assume it was. Once again, as I
4 have testified, there were, you know, no set
5 rules, but -- other than the fact that if a stop
6 were closer to one location than the other, that
7 is probably where it went.

8 Q. And after Rosedale closed, would it be
9 more likely than not that the waste would have
10 then gone to Sauer's dump?

11 A. Once again, the "more likely," it is a
12 reasonable assumption. I cannot testify for
13 certain that it did.

14 Q. Okay. Are you familiar with a company
15 called Container Corporation of America?

16 A. Yes, I am.

17 Q. During the period that Rosedale was
18 operating, was Container Corporation a customer
19 of Robb Tyler's?

20 A. I am not sure. I think so, but once
21 again, the timing is such I don't really

1 remember.

2 Q. Would Container Corporation's waste
3 have been taken to Rosedale while Rosedale was
4 open?

5 A. It well could have, yes.

6 Q. After Rosedale shut down would
7 Container Corp.'s waste have been taken to
8 Sauer's landfill during that window period?

9 A. Once again, it would seem likely.

10 Q. So it is my understanding that Armco
11 and Container Corp., during that window period,
12 more likely than not would have gone to Sauer's
13 landfill?

14 A. More likely than not.

15 MR. SCHALLER: Okay, thank you, I am
16 done.

17 EXAMINATION BY MR. GUTTER:

18 Q. Mr. Tyler, my name is Sam Gutter and I
19 represent AT&T as successor to Western Electric.
20 We met previously when you were kind enough to
21 put up with a number of lawyers to give a

1 statement, and I will try to be brief.

2 Where was the Norris Farms Landfill
3 located?

4 A. On North Point Boulevard and Norris
5 Lane.

6 Q. Do you know if it ever went by any
7 names other than Norris Farm?

8 A. Not that I recall.

9 Q. If someone during the time that that
10 landfill was open referred to Robb Tyler's
11 landfill on North Point, would that be in your
12 mind a reference to Norris Farms?

13 A. In what period?

14 Q. In the period during which Norris
15 Farms was operating, if someone referred to a
16 Robb Tyler landfill on North Point, would there
17 be any other landfill?

18 A. No.

19 Q. Those times when you visited Sauer's
20 dump when Edgar Smith was operating a bulldozer
21 there, did you also see Luke Sauer there

1 Q. Do you recall how you know that? Do
2 you recall the context in which you learned of
3 that?

4 A. I think that is what the stop was
5 referred to, so you would hear, you know, if a
6 driver was going to call on the radio or
7 whatever, he would say Crown Cork Machine. That
8 is why I remember it that way, I guess.

9 Q. And do you know from direct personal
10 knowledge of any landfills to which Crown Cork
11 and Seal's waste was transported?

12 A. I remember a lot of the bottle caps
13 and closures at Rosedale and also at Norris
14 Farm.

15 Q. Do you have any knowledge that Crown
16 Cork and Seal's materials were taken to Fritz
17 Sauer's landfill?

18 A. Not directly, no.

19 Q. Indirectly?

20 A. I mean, just, I don't recall.

21 Q. Let me ask a few questions about a

1 operating a separate bulldozer?

2 A. I don't really recall but, you know,
3 he well could have.

4 Q. But you don't recall. Do you recall
5 when you went there whether there were more than
6 one active areas of the landfill in operation?

7 A. I don't recall, no.

8 Q. I want to just ask some questions
9 about a few specific companies. One you have
10 already spoken of briefly, Crown Cork and Seal.
11 Do you know where their facility was located?

12 A. In east Baltimore. I can't remember
13 the exact address.

14 Q. Do you know if Crown Cork and Seal was
15 one of the customers that was subcontracted to
16 Fritz Sauer?

17 A. I don't recall.

18 Q. Do you recall what types of containers
19 were placed at Crown Cork and Seal?

20 A. Either Dumpsters and roll-offs, I
21 would think.

1 Q. Do you know if you ever personally
2 visited that facility?

3 A. I probably did.

4 Q. Do you recall the names of any contact
5 persons you would have dealt with there?

6 A. No.

7 Q. Do you have any knowledge regarding
8 what type of waste would have been placed in
9 containers at Crown Cork and Seal?

10 A. I recall a lot of old bottle caps and
11 closures things like that.

12 Q. Do you recall any liquids at all?

13 A. I think there was some liquids.

14 Q. Can you give me --

15 A. From the machine shop, and that is, I
16 remember something of that with Crown Cork
17 Machine.

18 Q. Can you be at all more specific when
19 you say from the machine shop?

20 A. I really can't. That is what I
21 recall.

1 company called Sweetheart Cup or perhaps known at
2 that time as Maryland Cup. Are you familiar with
3 that company?

4 A. Yes, I am.

5 Q. Under which name or which of those two
6 names?

7 A. Both.

8 Q. Do you recall if that company was a
9 Robb Tyler customer?

10 A. Yes, it was.

11 Q. Do you recall the time period?

12 A. No, I don't.

13 Q. Do you know if it was prior to
14 Rosedale closing?

15 A. I just don't recall.

16 Q. Do you have any notion of what types
17 of containers would have been present at Maryland
18 Cup's facility?

19 MR. BRAGER: I am going to just object
20 for the moment and ask you to identify the
21 Maryland Cup facility.

1 Q. That was my next question. Can you
2 identify what facility, can you identify the
3 location of the Maryland Cup facility?

4 A. The one I recall is the latest one out
5 on Owings Mills.

6 Q. Is that on Reisterstown, in
7 Reisterstown?

8 A. Yes.

9 Q. Do you recall there being more than
10 one Maryland Cup facility?

11 A. There was, but I don't really remember
12 where it was at this point.

13 Q. Is it your recollection that wherever
14 this other facility was, that that too was a Robb
15 Tyler stop?

16 A. I think so, yes.

17 Q. Did you ever visit the Reisterstown
18 facility yourself --

19 A. I have been by it many times.

20 Q. -- in your capacity as an employee or
21 officer of Robb Tyler?

1 A. I don't think I did.

2 Q. Do you know what types of containers
3 were placed at the Reisterstown facility?

4 A. I think there was a compaction unit or
5 a roll-off container.

6 Q. Do you know if there might have been
7 more than one container?

8 A. There might well have been.

9 Q. Do you have any knowledge of the types
10 of materials that would have been placed in those
11 containers?

12 A. No, I don't recall.

13 Q. You don't know one way or another?

14 A. No. Waste papers, from what I
15 remember.

16 Q. Do you know if there would have been
17 any liquids in containers within Robb Tyler's
18 containers?

19 A. I just don't recall.

20 Q. Do you have any knowledge as to what
21 landfills might have received waste that Robb

1 Tyler hauled from the Reisterstown facility?

2 A. The Reisterstown facility would more
3 than likely have gone to the west side of town.

4 Q. Do you know if material from that
5 facility would ever have gone to east Baltimore,
6 based on personal knowledge?

7 A. No, I don't.

8 Q. You don't know one way or another?

9 A. Exactly.

10 MR. GUTTER: I have no further
11 questions.

12 One moment. Thank you.

13 EXAMINATION BY MR. MASUR:

14 Q. Mr. Tyler, my name is Dan Masur and I
15 represent the City of Baltimore in connection
16 with this proceeding.

17 Do you have any knowledge of the
18 disposal of waste generated by the City of
19 Baltimore at Sauer's landfill?

20 A. No, I don't.

21 Q. Do you have any knowledge of the

1 disposal of any waste by City employees at
2 Sauer's landfill?

3 A. No, I don't.

4 Q. Looking at Exhibit 12, the customer
5 list, Exhibit 12 -- let me get my copy of it as
6 well -- on the first page there is a listing of
7 what it purports to show and it does seem to
8 include customers as to which there are
9 delinquent items as well as customers as to which
10 there are no delinquent items; is that correct?

11 A. That is what it appears.

12 Q. Would you assume from that description
13 that it purports to reflect all of the customers
14 as of the date of its being prepared, March 31,
15 1970, whether they be timely in their payments or
16 in arrears?

17 A. I guess. I am just not familiar with
18 this document from 1970.

19 Q. Okay. I will represent for the record
20 that I have examined this and have found no
21 reference in it to the City of Baltimore or any

1 department or subdivision of the City of
2 Baltimore. Would that be consistent with your
3 recollection?

4 A. That would be.

5 Q. Do you have any recollection of the
6 City of Baltimore or any department or
7 subdivision of the City of Baltimore having been
8 a Robb Tyler client or customer prior to the sale
9 of the Robb Tyler business to BFI?

10 A. The only thing is that from time to
11 time we would pick up the Housing Authority
12 containers, but I am not sure at what point that
13 was.

14 Q. What are the Housing Authority
15 containers?

16 A. Housing Authority had containers at
17 the Projects and when the City trucks hadn't
18 picked it up or broken down or for whatever
19 reason, they would sometimes subcontract that
20 out.

21 Q. Do you recall when that occurred?

1 A. Just, I don't recall.

2 Q. Could it have been after the sale to
3 BFI?

4 A. I think it could have well been after
5 but it would have been before too, I just don't
6 recall.

7 Q. Do you recall any of that material
8 having been disposed of by Robb Tyler at Sauer's
9 landfill?

10 A. No, I don't.

11 Q. Would that have been pursuant to a
12 contract between Robb Tyler or BFI and the City?

13 A. I think so, but I, it might have been
14 just to help out during the problem.

15 Q. Would it have been something for which
16 Robb Tyler would have received compensation?

17 A. I think so.

18 Q. So had it been occurring at the time
19 of March 31, 1970, would you have expected there
20 to be a reference to it on here?

21 A. It should be, yes. If this is, in

1 fact, the full accounting of all the customers.
2 I just don't know.

3 MR. MASUR: Let me have marked as
4 whatever the next exhibit is, No. 14, what I will
5 describe as, I believe they are interview notes
6 prepared by Joan E. Martin-Banks dated September
7 18, 1987. The only thing I am going to ask you
8 about is a line on the third page.

9 (Whereupon, Tyler Deposition
10 Exhibit No. 14, interview notes prepared by Joan
11 E. Martin-Banks dated September 18, 1987,
12 marked.)

13 Q. Mr. Tyler, do you recall having been
14 interviewed by representatives of the federal
15 government, specifically a woman by the name of
16 Joan Martin-Banks?

17 A. I remember an interview. I don't
18 recall her name.

19 Q. Do you recall there being an
20 interview?

21 A. Yes.

1 Q. Is it consistent with your
2 recollection that it would have been on or about
3 September of 1987?

4 A. Yes.

5 Q. On the third page the very last
6 sentence appearing on the page reads, "He thought
7 that the City hauled for the Baltimore City
8 Hospital, now the Francis Scott Key Medical
9 Center."

10 Did I read that correctly?

11 A. Uh-huh.

12 Q. Do you recall having reported that to
13 the individual in question?

14 A. I really don't recall it, no.

15 Q. Does that accurately reflect what you
16 understood to be the case?

17 A. I don't really remember what the
18 question was that I responded to.

19 Q. Well, is it consistent with your
20 present recollection that the waste for the
21 Baltimore City Hospitals during the period of

1 time prior to the sale to BFI would have been
2 transported and disposed of by City employees?

3 A. Yes.

4 Q. Let me go back to the Housing
5 Authority for a moment. How frequently would
6 Robb Tyler dispose of waste for the Housing
7 Authority?

8 A. Infrequently.

9 Q. Do you recall, would it have been more
10 or less than once a month, once a year, do you
11 have any recollection?

12 A. No. Just infrequently.

13 Q. What type of wastes would it be?

14 A. Just household waste.

15 Q. Household waste. And based upon your
16 present recollection, do you consider it more
17 likely than not that that occurred only after the
18 sale of Robb Tyler to Browning-Ferris --

19 A. I just really don't recall.

20 Q. Did Robb Tyler perform waste hauling
21 services for other hospitals during the period of

1 time, again focusing on prior to the sale to
2 Browning-Ferris?

3 A. Yes.

4 Q. Do you recall specifically other
5 hospitals that it did perform work for?

6 A. Johns Hopkins.

7 Q. Do you recall any others?

8 A. I think University of Maryland.

9 Q. How about --

10 A. I am not sure. I am just not real
11 sure of the time, but they were customers from
12 time to time.

13 Q. Church's Hospital, is that another?

14 A. Church Home? I don't really recall.

15 Q. Do you recall what type of wastes you
16 hauled for the other hospitals?

17 A. General waste.

18 Q. Would it have included their
19 infectious waste?

20 A. It is whatever they gave us.

21 Q. Do you recall in connection with work

1 for the hospitals dealing with a gentleman by the
2 name of Mr. Frederick? Does that name ring a
3 bell?

4 A. No.

5 Q. Focusing on page 83 of Exhibit 2, your
6 prior statement, focusing actually on the lines
7 immediately following the lines which were read
8 by Ms. Casano, beginning on line 12, the
9 question: "Now, the City incinerator ash that
10 had been going to Pulaski would have most likely
11 gone to Sauer after that period that it closed?

12 "A. No.

13 "Q. It would not?

14 "A. No."

15 Is that your present recollection as
16 well?

17 A. Yes.

18 Q. Is there anything about that answer
19 that you would change?

20 A. No.

21 Q. You testified, during the course of

1 your interview you referred to the removal or the
2 digging up of trash from the dump in connection
3 with the building of I-95 and Bayview Avenue; do
4 you recall that?

5 A. Yes.

6 Q. Okay, and on page 41 in connection
7 with that discussion you were asked, I am
8 beginning on line 3:

9 "Q. Was anything moved onto the Sauer's
10 dump area?

11 "A. I think everything was moved off. You
12 could probably check that out through State Roads
13 or whatever."

14 To the best of your knowledge, is that
15 true, that whatever waste material was dug up was
16 moved off to a different location?

17 MS. CASANO: Objection. You can
18 answer.

19 A. For when they put 95 through was what
20 I was referring to and --

21 Q. Is that true to the best of your --

1 A. And I just remember that because I
2 remember somebody talking about it. And that
3 they also had to deal with the old Colgate pay
4 dump, and you can go by there now and you will
5 see big piles over there.

6 Q. So is it your understanding, then,
7 that the material which was removed in connection
8 with the construction of I-95 was placed where
9 the Colgate pay dump had previously been located?

10 A. In that area. It obviously took a lot
11 of land there. I don't know where the boundaries
12 were now.

13 Q. Do you have any knowledge as to what
14 happened to that, with the waste material which
15 was removed in connection with the construction
16 of Bayview Avenue?

17 A. I really don't, no.

18 Q. Are you familiar with an individual
19 named Sam Grant, also known as The Preacher?

20 A. Yes.

21 MR. LUTZ: Did you say The Creature?

1 MR. GUTTER: You are new to this case,
2 aren't you?

3 Q. The Preacher?

4 A. Yes, I am.

5 Q. Was he a Robb Tyler employee?

6 A. No, he wasn't.

7 Q. Did he work at the Rosedale landfill?

8 A. Sam ran a salvage operation, he would
9 pull cardboard and other salvageable material out
10 of the dump and sell it. But he was not a, and
11 he would pay a percentage back to the company,
12 but he was not an employee.

13 Q. Among the things that he would do,
14 would that include salvaging drums?

15 A. I think so, but I am not sure.

16 Q. Do you know to whom he sold those
17 drums?

18 A. No, I don't.

19 Q. Did he perform a similar service at
20 the Sauer landfill during what has been called
21 the window period?

1 A. I really don't recall. That would
2 have been between him and Sauer.

3 MR. MASUR: I don't think I have
4 anything further.

5 EXAMINATION BY MR. BYRD:

6 Q. Mr. Tyler, my name is Ron Byrd, in the
7 long line of attorneys today, and I represent
8 BG&E. I have just got, hopefully, a few
9 questions for you.

10 You testified this afternoon that you
11 remember Quarantine being opened during the
12 window period or before that, and you said
13 something about Patapsco. Were you confusing
14 those two dumps when you talked about Patapsco
15 this morning?

16 A. I think I might have been. I just was
17 not clear as to when we made the transition.
18 Just didn't recall the timing.

19 Q. Can you tell us right now, then, when
20 Patapsco was open during this time, if it was
21 open, if it was not?

1 A. It appears that it wasn't open, that
2 Quarantine was open, and if that was the case,
3 Patapsco was closed.

4 Q. Do you have any recollection of what
5 the life span of Patapsco was?

6 A. Ten years. Fifteen years.

7 Q. Do you know what dates we are talking
8 about?

9 A. No, I think it went back into the
10 '50s.

11 Q. So it would have been shut down
12 sometime before the window period?

13 A. Yes.

14 Q. I want to take you back to your
15 transcribed interview, Exhibit 2, page 85, and I
16 refer you to line 15, 14 and 15. In your answer
17 starting on line 13 you said:

18 "A. Mostly dirt. He had dirt there and he
19 brought in a lot of dirt. There was a lot of
20 construction stuff that would come in there
21 too."

1 What did you mean by construction
2 stuff?

3 A. Just debris.

4 Q. Would that be from demolition of
5 buildings?

6 A. Yes.

7 Q. Would that be brick, Sheetrock, things
8 like that?

9 A. Yes, brick, concrete.

10 Q. Was that --

11 A. Maybe some wood.

12 Q. Was that a type of cover that was
13 used?

14 A. If it were enough, more dirt than
15 brick, yes, it could be used as cover.

16 Q. But this term "construction stuff" is
17 something that would be used as cover?

18 A. Some of it, yes. Some would be used
19 for roads.

20 Q. In the scheme of things, talking about
21 types of cover, would dirt be the best, would

1 dirt have been the best cover to use?

2 A. Yes.

3 Q. Would that have been the easiest to
4 work with?

5 A. Yes.

6 Q. In the pecking order of cover, what
7 would come after dirt, if you understand the
8 question?

9 A. I am not sure there is a pecking order
10 of cover.

11 Q. Let me ask you about incinerator ash.
12 Would that be better than fly ash as cover?

13 A. No.

14 Q. Fly ash would be better as cover?

15 A. As an intermediate cover.

16 Q. Fly ash would be better --

17 A. Because it was more uniform.

18 Q. Than incinerator ash?

19 A. Yes.

20 Q. And how about construction debris,
21 would you rather use construction debris than fly

1 ash as cover?

2 A. No.

3 Q. Rather use fly ash?

4 A. Yes.

5 Q. If you had a landfill that was
6 dirt-rich as opposed to dirt-poor, would you
7 use --

8 MR. KARABA: It is getting late.

9 Q. Would you --

10 MS. CASANO: You have been waiting for
11 that all day.

12 MR. BYRD: I have been, I have been.

13 Q. Would you use dirt, then, as opposed
14 to fly ash?

15 A. Yes.

16 Q. Earlier you indicated that incinerator
17 ash was not taken to Sauer's. Why do you say
18 that?

19 A. Because I don't think it was.

20 Q. You don't think it was, but you are
21 not sure one way or the other?

1 A. Well, the City would have had to haul
2 it and they didn't haul it.

3 Q. Do you know where they hauled it?

4 A. Probably to Bowleys Lane or one of
5 their ash dumps.

6 Q. Did they have specific ash dumps?

7 A. Yes.

8 Q. Bowleys Lane was one of them?

9 A. Yes.

10 Q. Why did they take any of their
11 incinerator ash to Rosedale?

12 A. Because we needed cover. So it was,
13 and it would save them from putting it on their
14 landfill.

15 Q. Was that the same reason fly ash went
16 to Rosedale?

17 A. Yes.

18 Q. Was fly ash used at Quarantine?

19 A. Extensively.

20 Q. And who took fly ash to Quarantine?

21 A. Parker. Warren Parker.

1 Q. I take it because Quarantine was
2 dirt-poor?

3 A. That is correct.

4 Q. How far were the City incinerators
5 from Rosedale?

6 A. Half a mile.

7 Q. Where would they be, on Pulaski
8 Highway?

9 A. Yes, No. 4 incinerator.

10 Q. Whereabouts on Pulaski?

11 A. Right there by 95 now.

12 Q. Back in 1969, where would the closest
13 dump have been to the No. 4 incinerator other
14 than Rosedale?

15 A. Probably Bowleys Lane.

16 Q. How far would Bowleys be from --

17 A. Half a mile, I mean, it is just right
18 down the road. I think they had their own, I
19 think there might have been some area around the
20 incinerator also that --

21 Q. Wouldn't Sauer's have also been within

1 a half mile, mile?

2 MR. MASUR: Objection.

3 A. It could have been, but they didn't
4 need incinerator ash and therefore wouldn't take
5 it.

6 Q. Sauer's?

7 A. Yes.

8 MR. MASUR: Would you reread that, I
9 didn't hear it.

10 THE WITNESS: I said they didn't need
11 incinerator ash and therefore they wouldn't take
12 it. It would use up space and if you didn't need
13 it, you wouldn't take it.

14 Q. You also indicated in your transcript
15 that ash was good for putting out fires. What
16 else was used for putting out fires?

17 A. Dirt. Water.

18 Q. Whatever was available?

19 A. Yes.

20 Q. Let me ask you a few questions about
21 other parties.

1 Mr. Grummer asked you about American
2 Cooperage. Do you recall any instances when you
3 saw American Cooperage trucks at Rosedale?

4 A. Not any instances as I recall, no.

5 Q. Were you aware that American Cooperage
6 had trucks that were transporting barrels?

7 A. I just don't recall.

8 Q. Did you know an individual by the name
9 of Sam Layton?

10 A. Vaguely, yes.

11 Q. How did you know him?

12 A. I think he was one of the owners of
13 American Cooperage.

14 Q. Did you have any business dealings
15 with him?

16 A. Yes.

17 Q. And can you explain what type of
18 business dealings you had?

19 A. He was a customer of Robb Tyler, Inc.

20 Q. Did you ever go to their
21 barrel-cleaning operations?

1 A. I don't think I ever did, no.

2 Q. Did you know Jack Layton?

3 A. I might have them confused.

4 Q. Did you understand one of these
5 Laytons to be the head of American Cooperage or
6 the president?

7 A. I don't think I really distinguished
8 who was who.

9 Q. Do you recall any specific business
10 dealings where you agreed to accept barrels at
11 Rosedale?

12 A. Not that I remember, no.

13 Q. Do you recall what the context of the
14 particular business deal you had with Layton was?

15 A. I think we had a container there to
16 carry, you know, wash waters and stuff.

17 Q. Do you know what size container that
18 was?

19 A. Probably a four yard or six yard.

20 Q. This would have been a Robb Tyler
21 container?

1 A. Yes, it would.

2 Q. Did you ever personally pick up that
3 container?

4 A. No, I didn't.

5 Q. Do you know who did?

6 A. No, I don't.

7 Q. Can you explain what you mean by wash
8 water.

9 A. Just a, whatever waste waters, waste
10 liquids they had there.

11 Q. Was this from cleaning out the
12 barrels?

13 A. Emulsions or whatever. Yes. I am not
14 really sure what it was. I never identified ^{68th St} ~~it~~
15 It was a liquid waste. _{Dump}

16 Q. Was it thick, thin --

17 A. I don't know. I have no idea.

18 Q. Did you ever see it?

19 A. Not that I recall. Probably did, but
20 I don't recall specifically.

21 Q. You say you don't recall who may have

1 had that route?

2 A. I really don't.

3 Q. Do you know whether they had a
4 dedicated employee for that?

5 A. Who?

6 Q. Robb Tyler.

7 A. I just don't remember.

8 Q. Do you recall whether American
9 Cooperage was a customer of Robb Tyler's in 1965
10 when you first came on board?

11 A. I don't recall.

12 Q. Do you recall where that container may
13 have gone after the closing of Rosedale?

14 A. No, I don't.

15 Q. Where would the closest landfill have
16 been to American Cooperage after the closing of
17 Rosedale?

18 A. Sauer's and then Norris Farm, but it
19 well could have gone to Quarantine Road because
20 more liquids would go over there.

21 Q. But isn't it a fact that Sauer's would

1 have been the closest to the American Cooperage
2 operation on Kresson Street?

3 A. That is correct.

4 Q. How close would that have been, less
5 than a mile?

6 A. Yes, a mile, two miles, something like
7 that.

8 Q. You also indicate on the list that
9 Lord Baltimore Press was a Robb Tyler customer;
10 is that correct?

11 A. That is correct.

12 Q. Where were they located?

13 A. Somewhere on Federal Street, somewhere
14 in there.

15 Q. Do you recall a facility on Edison
16 Highway?

17 A. Edison Highway, right.

18 Q. You said earlier that they had, I
19 believe, a compactor there?

20 A. Yes.

21 Q. Did they have any other type of

1 container?

2 A. Not that I recall, I don't know.

3 Q. Did you ever visit the site?

4 A. I think I have, yes.

5 Q. For what purpose, as a driver?

6 A. Never as a driver. There was an
7 installation of a compaction unit that was fairly
8 involved and that is why I went there.

9 Q. Do you recall when that compaction
10 unit was installed?

11 A. I really don't.

12 Q. Do you know who any drivers were that
13 drove that particular route?

14 A. I really don't.

15 Q. After Rosedale closed, would Sauer's
16 have been the closest dump site to the Edison
17 Highway facility?

18 A. Yes, it would.

19 Q. Are you familiar with a company called
20 Glidden Paints?

21 A. Yes.

1 Q. Do you recall whether they were a Robb
2 Tyler customer?

3 A. I think they were, yes.

4 Q. I refer you to Exhibit, I believe it
5 is 12, the customer list. I refer you to page
6 20. I refer you to the third, fourth, fifth,
7 sixth and seventh lines. Do you see the name
8 Glidden Company written there?

9 A. Yes, I do.

10 Q. Does that refresh your recollection as
11 to whether or not Glidden Company was a customer
12 of Robb Tyler in or around 1970?

13 A. Sure looks like it.

14 Q. Did you ever visit the site, Glidden
15 Company site?

16 A. I think I probably did.

17 Q. Do you recall roughly where they were?

18 A. The one I remember was SCM.

19 Q. SCM Corporation?

20 A. Wasn't that Glidden, didn't they
21 become Glidden or Glidden become them?

1 Q. That is possible. Do you recall when
2 you might have visited that site?

3 A. I just don't --

4 Q. Do you recall ever driving there?

5 A. No, I don't. I think Glidden had
6 several sites.

7 Q. Do you recall a Glidden site on
8 Eastern Avenue?

9 A. Yes, but it was somewhere down on
10 Eastern Avenue, yes.

11 Q. Do you recall what kind of wastes were
12 generated by any of these Glidden sites?

13 A. Not specifically, no.

14 Q. Do you recall a company called Pemco?

15 A. Yes.

16 Q. Do you recall a facility owned by
17 Pemco on Eastern Avenue?

18 A. Yes. Not well, but I knew it was over
19 there.

20 Q. Did you ever visit the site?

21 A. I don't remember.

1 Q. Are you familiar with their wastes at
2 all?

3 A. No. Don't recall it.

4 Q. Are you familiar with any wastes
5 generated by SCM Corporation?

6 A. Only over at the Hawkins Point area.

7 Q. What kind of waste did they have
8 there?

9 A. They had all kinds of waste. They
10 changed their process several times.

11 Q. What did they do at that facility?

12 A. I think they made titanium oxide.
13 Something like that. I think they still do.

14 Q. Were the wastes from that facility
15 going to Rosedale when it was open?

16 A. No.

17 Q. Where did it go to?

18 A. They would have gone to Quarantine
19 Road and they had a lot of their own disposal
20 sites there at Hawkins Point so, depending on
21 what time, and I don't really recall, they

1 disposed of their own waste, we disposed of it.
2 They disposed of it on their own property near
3 the Quarantine Road landfill.

4 Q. I may have asked you this but I will
5 ask you again. Did Glidden Company waste go to
6 Rosedale when it was open?

7 A. From?

8 Q. From any of their Glidden facilities.

9 A. It well could have.

10 Q. How about Pemco wastes, did they go to
11 Rosedale when it was open?

12 A. They could have.

13 Q. After Rosedale closed, would Sauer's
14 have been the closest landfill to the Pemco
15 facility on Eastern Avenue?

16 A. Probably.

17 Q. Referring to your customer list again,
18 to page 9, about halfway down the page, a little
19 more than half, you have, there is a line for
20 Canton Company. Do you see that? Page 9?

21 A. Yes.

1 MS. DOANE: Ron, could you keep your
2 voice up.

3 MR. BYRD: Sure.

4 Q. Do you know the full name of that
5 particular entity? Was it Canton Company or
6 something else?

7 A. It says Canton Company.

8 Q. Do you know whether there is a
9 distinction between Canton Company and Canton
10 Railroad Company?

11 A. I don't really remember.

12 Q. Do you remember what wastes were
13 generated by this Canton Company that is
14 indicated here?

15 A. For 11 bucks it couldn't have been
16 much.

17 Q. You don't have a recollection?

18 A. No, I don't.

19 Q. Do you have any recollection of Canton
20 Company as an entity?

21 A. No, I don't.

1 MR. BYRD: I have nothing further,
2 thank you, sir.

3 EXAMINATION BY MS. LARSON:

4 Q. Mr. Tyler, my name is Nancy Larson, i
5 am here for Container Corporation of America.

6 MR. LUTZ: How do you spell your name?

7 MS. LARSON: L-A-R-S-O-N.

8 Q. Just a couple quick questions.

9 I believe you testified earlier that
10 you thought Container Corporation of America was
11 a Robb Tyler customer during the time that,
12 during the window period that we have referred
13 to. Was that your testimony earlier?

14 A. I am not really sure because I think
15 they were also a customer of Sauer's at one point
16 too.

17 Q. So was your earlier testimony based
18 more on geography, as you have indicated earlier,
19 than on personal knowledge that Container
20 Corporation was actually a customer?

21 A. Yes.

1 Q. And you testified earlier that you
2 know that Edgar Smith was a bulldozer driver at
3 Sauer's during this window period time, that he
4 was loaned to Sauer's?

5 A. That is correct.

6 Q. Do you remember if there was another
7 dozer driver there at the same time that Smitty
8 worked there? Did you ever see two dozer drivers
9 during that window period time?

10 A. I just don't recall.

11 Q. Okay. One more question. Exhibit 12,
12 can you tell me, from what you have seen of this
13 exhibit today, it appears to be an alphabetical
14 exhibit list, does it not?

15 A. It does.

16 Q. And --

17 MR. BRAGER: It is not completely
18 alphabetical.

19 MS. CASANO: I have noticed some that
20 are out of order.

21 MS. LARSON: Well, I can --

1 THE WITNESS: Strange.

2 MS. LARSON: I can testify that I have
3 looked at it and I have not seen Container
4 Corporation.

5 MS. CASANO: That I do not know.

6 Q. Well, then, we will go through this
7 very quickly and I will take one more minute than
8 I thought I would.

9 On page 12 where Container Corp. would
10 fall in the alphabet, do you see Container
11 Corporation listed near the top, directing your
12 attention to near the top?

13 A. I sure don't.

14 Q. Okay. And here we have, on page 62 of
15 Exhibit 12, we have another list of C companies.
16 Do you see Container Corporation listed here,
17 where it would naturally fall in the alphabet?

18 A. No, I don't.

19 Q. And on page 90 of Exhibit 12 we have
20 another list of C companies, do you see Container
21 Corporation on this page?

1 A. No, I don't.

2 Q. Okay.

3 A. Although that restaurant got a lot of
4 action.

5 Q. On page 93 we appear to have another
6 beginning alphabetical list. Do you see
7 Container Corporation listed where it would fall
8 here in the alphabet?

9 A. No, I don't.

10 MS. LARSON: Thank you very much, that
11 is all I have.

12 THE REPORTER: Before you leave, do
13 you want a copy of the transcript?

14 MS. LARSON: I don't believe we will
15 be needing a copy.

16 EXAMINATION BY MR. JOSEPH:

17 Q. Mr. Tyler, my name is David Joseph and
18 I represent Crown Cork and Seal, and H. M.
19 Holdings, two third-party defendants in this
20 matter.

21 I want to start by asking you some

1 questions about Crown Cork and Seal. Now, you
2 have testified previously that Crown Cork and
3 Seal was a Robb Tyler customer; is that correct?

4 A. That is correct.

5 Q. And it is my understanding that you
6 testified that you don't have any direct
7 knowledge that Crown Cork and Seal wastes went to
8 the Sauer's dump in this 1969 period when no Robb
9 Tyler landfill was open; is that correct?

10 A. That is correct.

11 Q. Okay. Now, as concerns Crown Cork and
12 Seal's wastes, you mentioned that you remember it
13 to be bottle caps?

14 A. Cork dust.

15 Q. Why don't you finish the thought,
16 then.

17 A. And any general trash.

18 Q. Okay. Did you mention liners at some
19 point? Did I hear you say liners?

20 A. I don't think so.

21 Q. Okay.

1 A. Closures.

2 Q. Closures. What is a closure?

3 A. Types of caps.

4 Q. Do you know if it was normal practice
5 for Crown Cork and Seal to dispose of its bottle
6 caps?

7 A. I guess the ones that were rejected.

8 Q. Well, do you know if they had a policy
9 of recycling bottle caps?

10 A. I don't remember.

11 Q. Okay. Now, you also mentioned that
12 there may have been some liquid from the
13 machinery shop. Do you remember what this liquid
14 may have been contained in?

15 A. Some sort of tank, I guess.

16 Q. Is it correct to say there were no
17 steel drums that came out of Crown Cork and Seal?

18 A. I probably can't say that, but I don't
19 really recall specifically that there were.

20 Q. Do you know how frequently Robb Tyler
21 may have made pickups at Crown Cork and Seal?

1 A. Every day.

2 Q. Every day?

3 A. It was a big account at one point,
4 so --

5 Q. Do you know who the Robb Tyler drivers
6 may have been who serviced the Crown Cork and
7 Seal account?

8 A. No, I don't.

9 Q. Okay. Do you know how many facilities
10 Crown Cork and Seal had in Baltimore?

11 A. I don't recall. One or two.

12 Q. If I were to tell you that a Robb
13 Tyler driver had previously testified that Crown
14 Cork and Seal wastes did not go to Sauer's dump
15 during the 1969 period, would you have any reason
16 to doubt that testimony?

17 A. No, I wouldn't.

18 Q. Now, I am going to ask you some
19 questions that concern H. M. Holdings.

20 You probably never heard of H. M.
21 Holdings.

1 MR. LUTZ: Nor have I.

2 Q. You previously testified about
3 Glidden-Durkee, and I believe you stated that as
4 far as you knew, that they were a Robb Tyler
5 customer; is that correct?

6 A. I remember them, yes.

7 Q. Do you have any direct knowledge that
8 Glidden-Durkee wastes went to the Sauer's dump in
9 1969?

10 A. No, I don't.

11 Q. Was Pemco a Robb Tyler customer?

12 A. Yes.

13 Q. Do you have any direct knowledge that
14 Pemco wastes went to Sauer's dump in 1969?

15 A. No, I don't.

16 Q. Isn't it true that SCM Chemicals owned
17 their own landfill which was adjacent to the
18 Quarantine landfill?

19 A. Yes. I think that was after this
20 period. I am not sure.

21 Q. Which period are you referring to?

1 A. The window period that you, everybody
2 has been focused on.

3 Q. So is it your understanding that they
4 didn't acquire this landfill until after 1969?

5 A. It was sometime around there, and we
6 operated on their property and actually paid them
7 rent at one time over at Quarantine Road.

8 Q. If I was to tell you that it is SCM
9 Chemicals' position that wastes from all of their
10 facilities in 1969, including this window period,
11 went to their landfill at Quarantine, would you
12 have any reason to doubt that?

13 MR. BRAGER: He just gave one reason.
14 He didn't think that they owned it. Do you mean
15 except for that one reason?

16 MR. JOSEPH: I don't believe he said
17 they didn't own it. I think he said they may not
18 have been operating it at that point.

19 Q. Clarify your testimony if you would,
20 please.

21 A. In 1969 did they say they hauled their

1 own waste there? Because if they did, then I
2 would have no knowledge of it.

3 Q. Let me clarify the question.

4 A. Did they say we hauled their waste
5 there?

6 Q. Let me clarify the question. During
7 this window period in 1969, if SCM Chemicals
8 claimed that all of their wastes went to their
9 landfill adjacent to Robb Tyler's Quarantine
10 landfill, would you have any reason to doubt
11 that?

12 MR. BYRD: Objection to the question.

13 A. The only reason that I would have
14 reason to question it is if they hauled their own
15 waste, then I have no knowledge of it. If we
16 hauled it, I can't really tell you.

17 Q. Right, but if that --

18 A. I don't remember any directive from
19 them but it may well have been.

20 Q. If, in fact, that landfill was open,
21 and by that landfill I am referring to SCM's

1 Quarantine landfill, was open during that 1969
2 period, you would have no, you wouldn't be able
3 to contradict a position --

4 A. If they were operating their own
5 landfill, I have no knowledge of it.

6 Q. Okay. Couple other more general
7 questions.

8 You stated that you went to work for
9 Robb Tyler in 1965; is that correct?

10 A. That is correct.

11 Q. And for two or three years you were in
12 maintenance?

13 A. Yes.

14 Q. By my estimation that makes
15 approximately 1988 that you may have sort of
16 changed positions; is that --

17 MR. GUTTER: '88?

18 Q. Excuse me, 1968; is that correct?

19 A. That could be correct. I don't really
20 recall.

21 Q. In 1969 what was your position with

1 Robb Tyler?

2 A. Something I just saw here said I was
3 head of maintenance in landfills.

4 Q. And what would your responsibilities
5 have been?

6 A. Just overseeing maintenance in the
7 landfills, and I was doing union negotiations.
8 Once again, it was not a tightly structured
9 organization so there was a lot of overlapping.

10 Q. Were you working with the dispatchers
11 and the drivers on an everyday basis during this
12 period?

13 A. I would see them every day.

14 MR. JOSEPH: I have no further
15 questions. Thank you.

16 EXAMINATION BY MR. RYAN:

17 Q. Mr. Tyler, I believe you said in your
18 sworn statement that Broening Paint was a
19 customer of Robb Tyler's at some point?

20 A. I think so, yes.

21 MR. LUTZ: Would you put your name on

1 the record.

2 Q. My name is Tom Ryan, representing
3 BFI.

4 Is that right, that Broening Paint was
5 a customer of Robb Tyler's?

6 A. As far as I remember, yes.

7 Q. Do you remember what time frame? Was
8 it before --

9 A. I really don't.

10 Q. Do you even know if it was before
11 Rosedale shut down?

12 A. I specifically do not recall.

13 Q. Do you know where the Broening
14 facility was?

15 A. I am not sure I recall that either.

16 Q. Do you have any idea whether at any
17 time Broening Paint was a customer of some other
18 haulers?

19 A. They well could have been. I just
20 don't know.

21 Q. Do you have any idea of whether they

1 might have been a customer of Modern's at some
2 time?

3 A. They could have been.

4 Q. Just don't know one way or the other?

5 A. Really, I don't.

6 Q. Was Farboil a customer of Robb Tyler's
7 at any time?

8 A. Yes, it was.

9 Q. When was that, do you know?

10 A. I just don't recall. I remember them
11 as a customer.

12 Q. Once again, you are not sure if it was
13 before or after Rosedale closed?

14 A. I really don't.

15 Q. Do you know where the Farboil facility
16 was?

17 A. I remember one down North Point
18 Boulevard.

19 Q. East or west of Sauer's dump?

20 A. East.

21 Q. Do you know approximately how far?

1 A. Down below Norris Farms, around Cove
2 Road.

3 Q. How about Allied Chemical, were they a
4 customer at some time of Robb Tyler's?

5 A. Yes, they were.

6 Q. And once again, do you have any
7 knowledge of whether they were a customer before
8 Rosedale shut down?

9 A. They were a long-term customer, so I
10 would have to say they probably were.

11 Q. In your sworn statement you made some
12 reference to the fact that the chrome ore waste
13 generated by Allied did not go to either Rosedale
14 or Sauer's.

15 A. That is correct.

16 Q. Why do you say that?

17 A. Because it didn't.

18 Q. How do you know it didn't?

19 A. Because we didn't take it.

20 Q. Robb Tyler didn't take it there?

21 A. Right.

1 Q. Do you have any knowledge whether
2 anybody else may have?

3 A. I don't remember where it went at that
4 time. I think it might have been going over to
5 Harbor Field.

6 Q. Do you know --

7 A. In that area.

8 Q. Do you know whether Allied ever had
9 any other haulers other than Robb Tyler?

10 A. I am sure they did.

11 Q. You just don't know who they are now?

12 A. No.

13 Q. Do you know whether the waste that
14 Allied generated was in liquid or was it drummed
15 waste?

16 A. I don't recall.

17 Q. Sometime after Sauer's dump closed,
18 some barrels or some drums were located on
19 Sauer's property; that was kind of the genesis of
20 this whole litigation we are involved in.

21 MS. CASANO: Objection. You can

1 answer.

2 Q. Do you have any idea how those drums
3 or barrels --

4 A. I have no idea. I have many
5 suppositions, but no idea.

6 MS. CASANO: That is okay, the
7 question was a supposition.

8 MR. RYAN: I have no further
9 questions.

10 EXAMINATION BY MR. KARABA:

11 Q. Tom Karaba, representing the O'Brien
12 Corporation.

13 From 1965 to the time that Robb Tyler,
14 Inc. was sold to BFI, did Robb Tyler or any of
15 its related companies operate an incinerator at
16 any of the landfills?

17 A. At, I am not sure about the date, we
18 had a liquid incinerator at Norris Farm. But I
19 think that was after 1970.

20 Q. Did you, did Robb Tyler or any of the
21 related companies operate an incinerator at

1 Rosedale at any time?

2 A. Yes.

3 Q. Do you recall the period?

4 A. No, I don't.

5 Q. Do you recall when the incinerator
6 stopped operating?

7 A. I know it was not operating in 1965,
8 so it had to be prior to that. It didn't operate
9 very long either, I might add.

10 Q. For those customers that you were
11 incinerating waste at Rosedale prior to its,
12 prior to 19 -- or prior to 1965, do you know what
13 happened to the liquid waste after the
14 incinerator was closed?

15 A. That was prior to my time.

16 Q. Because you started in '65?

17 A. Uh-huh. But that was not a liquid
18 waste incinerator.

19 Q. What kind of incinerator was that?

20 A. General trash.

21 Q. So the only liquid waste incinerator

1 that you operated was at Norris Farm?

2 A. After 1970, yes.

3 Q. You have made reference to Quarantine
4 a couple times today and you have testified that
5 it was more likely that liquids went to
6 Quarantine than somewhere else. Why is that?

7 A. Quarantine Road was an old acid dump
8 of DuPont's and Glidden's, and therefore it,
9 there was a lake there that was full of acid and
10 we were filling that lake with trash and it lent
11 itself more to liquid waste.

12 MR. KARABA: Thank you, I have no
13 other questions.

14 (Discussion off the record.)

15 THE REPORTER: Are you waiving reading
16 and signing?

17 MR. LUTZ: No.

18 THE REPORTER: Who wants a
19 transcript? And please indicate if you need a
20 disk also.

21 MR. LUTZ: We will just take the

1 transcript.

2 MR. KARABA: No, thank you, not at
3 this time.

4 MR. CROWE: Transcript only.

5 MR. RYAN: Both transcript and disk.

6 MR. MASUR: Both.

7 MR. BYRD: Yes.

8 MR. GILLAN: Transcript only.

9 MR. HAUSMAN: Transcript.

10 MR. JOSEPH: Transcript only.

11 MR. LINGAN: Both transcript and
12 disk.

13 MS. DOANE: Both, with Discovery ZX.

14 MR. BLEICHER: Both. Word Perfect.

15 MS. MARKS: No.

16 MR. GOLDMAN: No.

17 MS. CASANO: Transcript and a disk.

18 MR. GRUMMER: Transcript and disk, the
19 Discovery ZX, we get Word Perfect 5.0, so ZX.

20 MR. GUTTER: Transcript and disk in
21 Discovery ZX.

1 MR. BRUGGE: No transcript.

2 MR. BRAGER: Transcript, no disk.

3 MS. CASANO: We want a high density
4 disk and Word Perfect 4.2.

5 THE REPORTER: On the exhibits, shall
6 I take and attach them?

7 MS. CASANO: Yes.

8 THE REPORTER: But just the cover
9 sheet of No. 2 like we did before?

10 MS. CASANO: Yes, that is fine.

11 (Examination suspended.)

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Alfred Tyler, 2nd

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